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# VINDICATION

OF THE

## Ministers and Ruling Elders,

IN THE

SCOTLAND

## Church of SCOTLAND, APP

Who have refused the OATH of ABJURATION,

Wherein

The Inexpediency and Unlawfulness of the said Oath, are  
further cleared and evinced.

In two Parts.

P A R T I.

Contains new Additional Arguments, &c.

P A R T I I.

Consists of Answers to the Six Pamphlets, &c.

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Printed in the Year M DCC XIII,

Sir,

**T**hese who are fitter Judges and nicer Criticks then I, have declared anent the Prints against the Oath of Abjuration, that they are of luch force, as nothing can impair it, and words only can be returned in Liew of Answer; and for my part I mast own that they are not only Nervous and Invincible, but have a gratefull smell of the Old honest Scottish Presbyterian temper; which alas, is very much wanting in thele times of Degeneracy, Sloth and Torpor; and have Anticipate to greater advantage, my thoughts in many material points as to this Unluckie Oath: So that I shoule intirely Acquiesce in them without any further additions, if many Jurants had not contrary to the duty of Mutual forebearance, and their own professions of Peace, insulted and Triumphed in several places over the Recusants as unable to Answer their Pamphlets; who (as of the Circumstances of the Nonjurants were not Gravaminous enough,) hand about strange groundless Stories to their own prejudice: Let none therefore be offended, if love to truth and respect to my Mother Church and native Countrey, constrain me to bring my poor Greanings to their help and relief.

To avoid all Repetitions of, or Coincidencies with what others have said, I shall first Premise some considerations anent this Oath. 2. Advance some new Reasons of Arguments against it. 3. Remove what is brought in its favours.

Premise, 1. Tho its freely granted to own the Queen's and Hanover's Rights, in opposition to the Pretender he being Popish, is my duty; and what Presbyterians in Scoland doubt no of; for what I know: Only many of them Judges it very just, and whishes that the Covenants had been inlaid with these Rights, and Incorporate together: Yet without the least Contradiction to this, many of them refused the Oath of Abjuration; because of the unclear Expressions anent the foresaid Rights, and chiefly in respect they could not reconcile several things in it to there known Principles; for what is materially good and unquestionable in it self, may be unduly clogg'd, misconceiv'd and wrong worded; so the Preservation of the Protestant Religion in the Test, was a very good thing; yet it was not Sworn to there by Presbyterians, by Reason of its Invelopment with several things contrary to, and Subversive of the Covenanted Reformation; to the same purpose according to the Schools, many things which are good and very allowable, *in sensu vel statu diviso*, or simply and abstractly considered, cannot be approven *in sensu vel*

*vel statu composito*, that is as they were blended and complicate with things unsafe and pernicious; so that the Recusants there affection to the Protestant Succession in the Family of Hannover, and aversion to this Oath is very easily consistent together on different Grounds: It is evidently unjust to expose the Non-jurants as against the said Succession or incapable to pray for it, or as weakners of it on the score of their Recusancy; this Calumnious stretch being plainly what Logicians call, *fallacia compositionis*, that is, that they are concluded to be absolutely against the foresaid Succession, because they can't Swear this Oath in its complex Terms and Circumstances; which is clearly a Sophism, a *negatione adjunctorum ad negationem subjecti*, & *fallacia Divisionis*, that is, because they own the foresaid Succession: Therefore they should Swear this Oath, as it is presently conceived; which is as much as one should argue, because Children love their Father, therefore they should love every thing in him, or about him, or whatever he undertakes, which does not follow, being a consequence against the Scriptural Restriction of Filial love: The whole of which can never be denied by these, who considers that the Commission September 30 1708, says the same upon the matter in their Letter to the Commissioners at London, viz. That many well affected to the Queen and Succession foresaid scrupled at this Oath, &c.

Prem. 2. The Aspersion or Imputation of *Jacobitism* upon Nonjurant Presbyterians, can't with any Ingenuity be us'd as an Argument in Favours of this Oath; for Reason says, That their Refusal of it, from a Conviction of its Inconsistency, in some things, with their Principles, really discriminates them from *Jacobites*, who are against it, out of Love to their Darling the *Pretender*, whom Presbyterians are strongly bound to oppose by their Principles and Covenants, as by this Oath, even previously to it; he being educate a Papist: However the World has as little Cause, to blame them for desiring a Presbyterian King, as the Church of England, for seeking one of their Communion. It's sufficiently known, and Jurants grant, as the foresaid Letter of the Commission testifies, That *Jacobites* have taken this Oath; would they be pleased, if the Non-jurants therefore concluded, by way of Retortion, the Takers of it, viz. Presbyterian Ministers, to be *Jacobites*, after this Manner,

The *Jacobites* have taken the Oath of Abjuration,  
Many Presbyterian Ministers have taken it,  
Therefore. Many Presbyterian Ministers are *Jacobites*.

Which is the same with this Sophism,

*Jacobites* are professionally Christians,  
Ju ant Ministers are professionally Christians;  
Ergo. Jurant Ministers are *Jacobites*.

So that he, who sees the Fallacy of this, must yield the foresaid Reproach to be captious. Thus,

*Jacobites are against this Oath.*

*Many Presbyterians are against it.*

*Therefore. Many Presbyterians are Jacobites.*

In a Word, Nonjurants can never be charged with *Jacobitism*, for their Nonjurancy; because Effrontry it self cannot convict them of the Principles, Designs and Practices, that specially constitute the same: Peculiar, contradistinct, yea, opposite Motives, Reasons and views, which influence Presbyterians and *Jacobites* in the Matter of this Oath, being justly owned by all Men of Sense, to be the Life and formal Reason of a real Difference; and besides, neither Sense nor Reason says, That Presbyterians should be for whatever *Jacobites* are against; otherwise at this Rate Presbyterians must be for *Paganism*; because *Jacobites* are against it: Or for the *English Ceremonies*; because some *Episcopalians* are against them; which is so ridiculous, that it is astonishing, how Men either of Credit or Conscience, can talk after this Manner; and indulge themselves in such Contumely and Detraction.

Prem. 3. The principal Reason, why so few Prints have appear'd, and these so lately against this Oath, viz. The shutting of the Press upon such Papers as impinged it, when ready access was allowed to all, who wrote for it, is, in the Opinion of many Neutral Persons. No small peice of Mal-conduct, injustice and partiality, which can never be justified. Considering, ( 1 ) How easily Matters of no Edification; Yea, of direct Scandal, are Printed without any check or controll; Whereas the reasonings against this Oath might be found to contain nothing offensive or hurtful; unless a simple Modest Narrative of several Grounds of Scruple against this Oath being reckoned such. ( 2 ) The Arguments against this Oath wou'd either have been very weak and trifling; or very strong and pinching: If weak and frivolous, when appearing in Print, all Judicious People might then clearly perceive that Jurants were in the right; and the Recusants had nothing to say for themselves; and if strong, especially when manag'd with Caution, it was but reasonable that they should be made publick for information to all concern'd. ( 3 ) This practise is contrary to the End for which GOD gave Man two Ears, viz. To hear both Parties before they pass their Sentiments; which is so just and natural that, as its storied, an Heathen Judge kept always, when hearing one Party, his Hand on's other Ear, as a sign of his Resolution to hear the other Party, before he declared any thing anent them; Wherefore seeing the Jurants have been heard in Print once and again; the Recusants ought to have the same Justice done them: Especially, when Non Jurancy infers such an heavy Sentence. ( 4 ) Lawyers and civil Judges, very agreeably to Justice and common Equity, allow of Printed Informations by

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by both parties, before they proceed to Discuss or Determine any Plea; and one of half Sense would think, that all required to take this Oath, which is of the last consequence to this National Church, shou'd have been equally and alike fully and early heard. I mind nothing at present parallel to this, except that of the Usurpers party, who Licens'd all Prints in favours of the Engagement, as it was call'd, to the Common Wealth without the King and Houle of Lords; but carefully shut the Press against all Papers that impung'd the same; Which was then justly reclaimed against by many, particularly *Presbyterians*; So that the late appearing of three Prints against this Oath, can never obviate what is said; a long time being taken before them for prepossession, especially considering what under Hand dealing hath been us'd for that effect; and what can indifferent persons say of this shift to get the Oath more generally swallowed; but that the Jurants cause was so weak, it durst not abide a fair Tryal, and so bad, that it shun'd the Light.

Prem. 4. It was a practice of near kindred to the former, and scarcely fair, that such as had taken this Oath were admitted to debate for it in the last Assembly; they being pre-engaged and stated parties, as might be evinced from several Reasons, which I pass out of Charity to their good intentions, being satisfied only to remark that their method of arguing for the Oath by long Harangues; which no Memory, perhaps their own could resume, look't like an artifice to hinder the Arguments against the Oath from being fully represented, and to Symbolize with the Vulgar Estimate of the Victory in a Dispute, that they won who speaks most; so that the Author of the Dialogue mistakes far; when he says that the Scruplers were more noisy and Clamorous, then such as were clear for the Oath: But however this be, it is certain that the Majority after all was ended, offered to Declare, and many actually declared, they were so far from being cleared by what was said that they were more in the dark, and their scruples increased; for which reason, no doubt new lights was soon offered afterwards in two prints. Only I wish that this course did not remind some of the Measures taken to obtrude the five Articles of *Perth*, &c. And that the whole Reasonings in the last Assembly were in Print, it being informed that they were carefully committed to Writings from every ones Mouth.

Prem. 5. Abjurations of this kind are wholly new, not only in *Scotland* but in *England*: For altho, *Henry the 8th* with consent of Parliament, required an Oath of the Subjects to maintain the Entail of the Crown to his Children, *Edward*, *Mary*, and *Elizabeth*; Yet I can't find, any such like Oath as this, was us'd either then, before or after, till now, even in cases of competition; the Act of Parliament being held sufficient ( or the Kings last Will with consent thereto ) for the security of any Successor's Right to the Crown, and the exclusion of Pretenders: Abjurations then were

were not in fashion, for as to the Tender in Cromwell's Time, it was not formally and explicitly an Oath ( tho' some lookt upon it as such ) and hower, it was vigorously oppoled and refused by Presbyterians and others, as the Records of these Times abundantly clear, and tho' its said 1 Sam. 11. 14, 15. *That Israel came to renew the Kingdom at Gilgal, and made Saul King before the Lord;* yet among the various Sentiments of Interpreters, I find not the least idsinuation that they swore Allegiance a second time to Saul : Wherefore I must think, till better inform'd, that this Oath is without any precedents, in respect of ( 1 ) its Repetitions of the Oath of Allegiance to the same Sovereign by persons in the same Office and capacity, especially as to Ministers. ( 2 ) General and indefinite, dubious and equivocal words and expressions, lyable to various, yea contrary Senses. ( 3 ) Multiplicity intricat things much controverted and variously agitate, being an amasment of many quisquous Matters and purposes. ( 4 ) Its unsuitableness to the Title of Abjuration, for all Oaths and other things are denominate from their greater and better part ; but what is Abjuratory in it, can't be reckoned the better part ; this being no Complement to Queen and Hannover, tho' the Title of it looks that way, probably to be a Bait to draw Presbyterians in to the support of the English Hierarchy and Ceremonies ; and that it's not the greatest part, is manifest to any that inspects it at first view, or who shall be at the pains o enumerat and compare its several Lines. ( 5 ) The Channel in which it is conveyed to Scotland, viz. the incorporating Union with England. ( 6 ) It's substitution in the room of the Bond of Assurance, which was generally and formally subscribed by all in publick Trust several years before this Oath was framed. ( 7 ) It's imposition on Scotland ( tho' first contrived for England ) without any Accommodation or change of it to the present state and circumstances of this Church aud Nation. ( 8 ) It's being required to be taken by Ministers, after they had in the last Assembly made a Declaration in their Address to the Queen, owning what is confess'd to be the chief Scope of it and what they Judge to be Duty in it. ( 9 ) The singularly Dolorous circumstances of the Ministers, on whom its imposed, by reason of such a Toleration ; as never got peaceable footing, yea, scarcely Entrance in Scotland before ; the Restauration of Patronages, Yale Vacance ( or a Jubile to Epicures ) and the interdiction of inferior Magistrates to concur with the Discipline of this Church for suppressing Vice and Imortality ; which a person of Quality owned to be such an Injury and Hardship, that no Established Church was ever known to meet with the like. 10. Many Formidable Penalties of such Force, as cannot but drive and frighten all into it, who have not a solid and lively Faith of a Transe- dantly better interest, then what is meerly Temporal, the incurring of which after due Deliberation, and pondering of the Oath, and all that was advanced

advanced pro or con, is an Argument with fairer Reason against the Oath than their severity is for it, since it can't be thought with Charity and Reason, that any Rational Christians would expose themselves and their Families to ruine, except where Conscience said it was better to suffer then sin.

Premis: 6. Tho' the taking of this Oath by Civil and Military Officers, about the Time of the Invasion cannot be justified, as appears from what others have said, and may be further manifest afterward; yet it was more alleiable in them than in Ministers now: Because ( 1 ) The Civil and Military Officers in their Spheres and Capacities are directly and immediatly subject to the Supreme Magistrate, by whom they are authorized, and receive their Offices; whereas Ministers as such, hold their Ministry of Christ, the sole Head and King of his Church. ( 2 ) Civil and Military Officers have more ready Access to strengthen, or weaken the Government, than Presbyterian Ministers, who by their Principles are excluded from meddling with State Matters. ( 3 ) The Union Zealots were then big with Hopes of great and singular Advantages from it, which are as Oyl to the Wheels, it being then Honey-Month; but now these Expectations evanish, by its many grievous Effects. ( 4 ) There was at the Invasion a palpable Danger, threatening the Kingdom; and consequently a seen Necessity for Civil and Military Officers to be bound against a *Popish Pretender*, and Invader too. ( 5 ) They were in Places of Publick Trust, who by their Conduct and Valour, displayed a steady Concern and Friendship for the Protestant and Presbyterian Interest. ( 6 ) Many of the Civil and Military Officers own themselves, and are known to be no Presbyterians; but mere Revolutioners, as to a limited Monarchy, and moderate Government. ( 7 ) There was then no Appearance of a dangerous Peace with France, as now. 8. The Affairs of Presbyterians were not then so sunk in Scotland and England, the Safety and Prosperity of which ought to have no small Influence on them, as to Oaths, with the Consent of all who understand the Ends of Government; of which more in the Arguments.

Prem. 7. Tho it cannot be alledged with truth, That all the Ministers and Judicatories of the Church were utterly silent as to the Oath, before it was taken; yet it may be a great doubt, whether faint Appearances for, or Vigorous Remonstrances against it, would have brought it on Scotland, and particularly on the Ministers? Because faintness bewraying something like indifference encourages, and a stout resistance, especially by such as are under the Hatchet, provokes to impose the more; as to which no doubt there are Various opinions according to the Discrepant inclinations, Views or Interests, and what Probations appear for either side: However its very likely, this Church had not been troubled and broken by this Oath. If, ( 1 ) Matters had stood at Home and Abroad, as they were before the Union, ( 2 ) If with due Zeal it had been early complained of as not agreeable in its present Moald to Presbyterian Principles, Covenants and Liberties. ( 3 ) If a solemn harmonious

monious Declaration had been timously made anent her firm Adherence to the Queen's and Hannover's Right, and her utter Aversion to the Pretender of Popish Education; which through the Divine Goodness might have prevented the Misrepresentations, Jurants and Recusants are meeting with from Friends and Foes. (4) If the Ministers had united to stand upon that express Provision of the imposition of no Oath upon them that was inconsistent with their Principles; which the Commission Judged this Oath to be, as its credibly informed by some Members in time of the Union, and had then prudently inculcate the same upon all concerned; for Exemption of this Church by her Act of Security from Oaths contrary to her principles, must intend either such Oaths as the Legislator, which hath power to impose them, Judges such or the Church; if the former, then she hath no priviledge for freedom by it at all; and had better wanted the same; for so the Legislators may impose any Oath upon her, because they Judge it agreeable with her Principles. If the Letter which is more Rational, because it is presumable in Law and Reason that she understands best, what Suits best with her Principles and what not; then she had none to blame so much as her self, for going into this Oath, having a good handle by the foresaid Provision to be freed from it.

On the other Hand, this Oath could not but come a pace, when, 1. A Proposal of an Address to the Queen for Exceming this Church from it, was warmly opposed; and to crush it, some told they would split about it, if it was further Pressed or urged any more. 2. Some leading Ministers and Elders were known to be clear for it, from the first word of its coming; who perhaps thereupon fancied, that the Body of the Ministry would go into it, and tho several others had Scruples at it, in time of the Union: Yet it was not hidden that they got easily over them. 3. The advising of Friends to take it by some, to whom they proposed their Scruples, and the silence of others, which was disobliging probably took Air as far as the Court. 4. The Cowardly Succumbancy of many in their most important Managements, since the happy Revolution to the Strengthening of Enemies, and Discouraging of Friends was a too plain Invitation of this Oath; besides the much talkt of projects and Conferences betwixt some Presbyterian Ministers and English Herarchick anent the Coallition of the two Churches.

Prem. 8. Altho the Eminency of many for Piety and Learning, who have taken this Oath in *England* and *Ireland*, and among our selves, lays a grand prejudice in the minds of all through the Protestant Churches against these, who have refused it; yet this can be of no weight by way of Argument for the Oath, especially among the Judicious and Impartial, who Measure not things by the Bulk. Because, 1. No Law Divine or Humane obliges the smaller party in any Church, Kingdom or Society whatsoever, to give implicit Faith to the greater Number. 2. Every one ought to have full Perswasion and Clearnes in his own Mind. 3. To follow a Multitude is with

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the Confession of all of no Moral Force to constitute a Sin or Duty. 4. At this rate the *Dutch* are in the wrong, which they've not as yet said, in not going speedily into the Peace, because *Britain*, *France* and *Spain* were clear for it ; and none can doubt that their Compliance with it, when ever it be, will proceed more from their own Reasons and Satisfaction, than the Example of other Nations that are for it. 5. To make Opulent Kingdoms, or a plurality a Standard in Principles and Practices hath proven in all Ages a snare to the People of God ; of which many instances are on record in Sacred and Ecclesiastick Histories, shewing that the *Senior pars*, hath been thereby sadly Corrupted or Born down. 6. All Men find in themselves a great Proneness to Conformity with the World, and its Guises and Fashions ( tho expressly forbidden in the Divine Oracles ) because of the Credit, Ease and Safety that appears at present in it : Whence immediatly flows the sad decay of true Godliness and the Deluge of Errours and Immoralities, but from the Corruption of the greatest part, and a Fond Resemblance of such People or Nations as make a great Figure in the World ? Did not the *Jews* to their own Cost affect to be like the Nations about them. And have not several Divines from the same Infectious Spring, made Essays of *Syncretism* with Papists and the Church of *Rome* : Whose Multitude and Splendour dazles and attracts the Eyes of such only as are Abandoned to Worldly and Carnal Influences ; from which the crowd of Protestants both at Home and Abroad, according to very late and Good accounts, are to little Disintangled ; and its certain Christ's little Flock ought not to sin, or do what they Judge so, because the most part are against them.

Prem. 9. The tendency of so much Pamphleting ( to wave the design of the Pamphleters, as best known to themselves, ) must either be to Inculcate this Oath, as a plain necessary duty of great importance to this Church, in case a new Diet be obtained for taking of it; or to remove the bad effects of its being taken, or to prevent danger to the Recusants ; all which probably will be pretended. But it cannot be the first ; for not to make odious Comparisons, others use to see plain necessary duty as well as they, especially what's advantagious to the interest of the Gospel and this Church: As to their concern for the safety of the Recusants, its known their care of these who differ from them, most appears, when their own interest and Reputation are nearly touch'd ; and their Pamphlets tends to throw the greater load upon Nonjurants ; which is not Brotherly nor Equal, and favours of too little regard for the Peace of this poor sinking Church ; so that to remove the effects of the Oath, either as to themselves, or the Recusants, is at present beyond their power, many being offended at their courses, and further darkned by their prints ; to which some applyes what *Job* said to his Friend, *what doth your Argumets reprove?*

These things being premised, which if duely consider'd cuts many of the specious

specious flourishes, some Jurants very artfully but with disingenuity, makes a shew of among the Vulgar. I come to propose some new Arguments against this Oath; 1. Some shall be taken from the Circumstances of this Oath. 2. Others shall be drawn from the Body of it, or its Subject Matter.

First, That this Oath is contrary to Presbyterian Principles, their Excellent Constitutions and just Rights, puts a Bar on Reformation, and lays an heavy Embargue upon all feasible Measures for redressing their Grievances, both Civil and Ecclesiastical, is plain from these nother Matters of Fact. 1. Histories of both Kingdoms sufficiently evince all the appearances and offers of Kindness from *England* to *Scotland* were for their own Interest; And consequently, if not designedly, to our prejudice, and it's an Old Maxim in Law, *Qui semel malus, semper presumitur malus, in eodem genere malitiae;* The force of which is only taken off by eminent Repentance, but of this no Documents appear; Yea on the contrary their late and present managements in reference to *Scotland*, strongly avouch their Old Rancour to continue. 2. Not only before, but of late, the Civil and Ecclesiastick Dependance of *Scotland* on them hath been asserted in Prints; and the people of *England* to imprest wito a belief of it, that common Honesty requires an express purgation from such alledg'd Servitude, before an Oath were given under such circumstances, in Imitation of the like laudable Practice of our Forefathers, who made sufficient Preliminaries against all Incroachments and pretensions in the *English* over the *Scots* when concerting with them Border Laws; Which is the mere just and necessary, in respect that albeit the Nations Sovereignty and Freedom be taken away by the Union; Yet the Churches Independancy continues, notwithstanding of her heavy fetters; to bind which more closely on her by any Oath, the Natural principle of self preservation forbids her. 3. An Accommodation betwixt the two Churches on Strange Terms under the Queen as their Head was propos'd in Print some few Years ago; towards which the prelent face of Affairs looks with a Bvass. 4. Tho' a Poor Church and Nation in all Laws, Reason and Equity should have their Rights secur'd and preserv'd inviolable, as well as any Opulent Church and Kingdom; yet several Rights secur'd to *Scotland* by the Union are alienate, as some late Prints fully clear; and no such security is made for what Rights remain, as for thele of *England*. 5. This Oath weakens the Government by discontenting Friends, and exalperating Enemies; which could not be had from the prudent, who foresees the evil and shuneth it; and he never lyed who laid, *A Kingdom divided against it self cannot stand;* by reason of which and other emergents, things have a visible tendency at prelent to the Dissolution of our happy Establisment. 6. Its an untollerable hardship and Disingenuity to Dilemmatize the Chsrch of *Scotland* with joining either the *Jacovines* or *Church of England*. Seeing

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Her Principles none of them are to be embrac'd or joined with, especially, when the Christian World may easily perceive, that she may be safely allow'd to continue in the peaceable enjoyment of all her proper and legall Rights, without being made *English* in whole or in part; or having her Reformation destroyed, which is a Bulwark against *Papery, Slavery and Libertinism.* 7. This Oath hedges out the National Covenant, and Solemn League, on which all Presbyterians are bound to Unite, in defence and pursuance of the *Scots* Reformation, and what other Rights are subservient thereto; For the Author of the Dialogue, as we will hear more fully afterwards, tells us expressly, that in reason no more can be desir'd than a Protestant Successor to secure the Protestant Religion in general. 8. The Successor is expressly bound to join in Communion with the Church of *England*, &c. Whence ( to wave at present the enquiry, whether the Oath takes in this or any other provision ) he is bound to maintain the Hierarchy and Ceremonies, and to oppose the foresaid Reformation, as is plain from King *Charles's* first refusal to set Presbytery in *England*, because by his Coronation Oath he was oblig'd to preserve Episcopacy. 9. The many ruining and enthralling fruits of the Union, such as the transference of the Church of *Scotlands* Right, to appoint National Fast's and Thanksgivings, which hath sad effects to the encrease of Impiety, heavy Taxes, decay of Trade, the consumption of our Substance in *London* by Nobles and Gentles, an *English* Monopoly of our most Lucrative and Honorary Posts, and Cashiering of the best *Scotsmen* of all Qualities, merely for their Affection to their Native Countrey ; which are so known, and afflicting to every Honest *Scotsman*, even with the consent of some *English* Peers their Speeches in Print, that I pass them, together with the Imposition of this Oath by vertue of the Union ( which the Body of the *Scots* Nation in the time of it, shew'd to be a violent Rape upon them ) and by Bishops as a part of the Legislative ; These being well noticed by others, Whence I argue,

The Oath, which hinders a Moral Good, is sinful ; for it's a Maxim, *Fudamentum impediens Bonum Morale, non valet.* But this Oath hinders many moral good things in *Scotland*, as is clear from what is said. Therefore this Oath is sinful.

2. Tho' it's a mere Sophism, as is plain from what is already said, confidently given out, that this Oath intends and binds to no more, than the Queen's and *Hannover's* Right, and the Exclusion of a Papish Pretender : Yet several others things are contained in it, which the Legislator will not pass from ; as appears in respect. 1. It's required to be taken in express Terms, after the last Assembly had declared in their Address, that they judged the three above mentioned things to be Duty. 2ly. If no more had been intended, it had been easie for the Parliament, to have framed to this Purpose, or in such like plain

*Words. I A. B: Swear to maintain Princess Sophia, and the Heirs of her Body, being Protestants, and not marrying Papists, in their Right to the Crown, after the Demise of our present lawful Sovereign Queen Anne; and to my out-most oppose the Pretender, he being educate a Papist: By which all Scruples anent the Repetition of Allegiance to the Queen, the Abjuration, and the Reference to the Acts would have been happily prevented.* 3ly. Material and substantial Obedience is wisely preferred, to that which is formal and literal, among all Legislators; except when some things are connected in the Letter of the Law, with its chief Scope, and subservient to its principal Intention; but such Obedience, tho' offered, was not accepted. 4ly. If some other things were not in View, than the foreaid particulars, the Parliament could signified no more was included in the Oath, than what the foreaid Declaration express'd; which not being done, it remains, that the Support of the English Church, in Hierarchy and Ceremonies, is designed by it, as is clear from the Act first appointing it, to be taken, and its express Words; of which afterwards.

3 This Oath is inexpedient, in regard the taking of it by Ministers obstructs the Edification of a vast Body of People, even of the most knowing, sober and serious, in many places; of which some, who were clear enough for the Oath, had such a Foresight, that they took it not. For 1st. The Edification of Souls, is one great End, for which Christ instituted a Gospel Ministry, and erected a Church in the World; so that Ministers should incur any temporal Loss, before they stumble the People. 2ly. GOD is highly dishonoured, and his Gospel contemned, by the taking of it, all things being cast loose, and in Confusion in several Corners. 3ly. The Exercise of Christian Liberty, should be forborn, when it induces others to sin. 4ly. No new Benefit accrues by it either to Church, or State; and even the Protestant Succession is nothing the more effectually secured; and People receive no spiritual Instruction, or Comfort by it; but on the contrary are much discourag'd. 5ly. The Good in't cannot be attained, without partaking of its Evil. 6ly. A Letter from a Friend in London bore, That the Queen and her Council did really expect, That the Ministers in Scotland would not take it; because of the bad Circumstances they were involved into of late. 7ly. The People of GOD were never known to stumble at a plain necessary Duty, as the Jurants call this Oath.

4. This Oath is very ductile and variable; like Solomon's strange Woman, whose Paths cannot be known, being taken by opposite Parties, who understand it in quite contrary Senses; not only as to its equivocal Words of a double, or manifold Signification, with which it abounds; as is very well observed by others: But as to the subject Matter of it; and with the Confession of Jurants its understood in different Senses among Presbyterians; would it not have been more Honesty and Candour in Jurant Ministers, as to the Tremendious Name  
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of GOD, their own Consciences, the Government, and their Brethren, to have suspended and delayed their taking of it, till the Legislator had declared, which of these Senses were most genuine and agreeable to their Mind; especially considering they want this, they swear what's not certain, however so plausible their Arguments be in their own Apprehension.

5. That which is a Condition of a Tolleration to all Errours and Licentiousness except Popery, and Antitrinitarianism, and of the Ministerial Office, is unlawful; but this Oath is such as is plain from the Imposition of this Oath, who are to get the Benefite of the foresaid Tolleration; and the Penalties, which Adjudges every Office; the Ministry not excepted, of all Recusants to be void and null; Than which I know nothing that can be more Expressive of a Condition: there being undenyably here a benefit or priviledge, and the continuance of Offices propoſed with this Clogg and Proviſe of Swearing the Abjuration.

6. As to *Eleazar's Oath to Abraham* in *Gen. 24.* from 3 to 10, we may observe these things, which make against the Ministers their taking of this Oath, and their method in so doing. 1. None can doubt of *Abraham's lawfull Authority over his Servant Eleazar*; or that the Oath was lawfull. 2. Tho the matter of it was clearly exprest, yet *Eleazar Scruples to Swear it so*; true is what *Solomon says*, *Eccles. 9.* 2. *That the Righteous fear an Oath.* Whence 3. He proposes his Scruples to his Master *Abraham* who imposed the Oath, and was most capable to solve them; and offers not at his own Hand to loose them from the words of the Oath, by understanding them so and so, or pretending that his Master meant thus and thus. 4. *Abraham Explains the Oath and shews the Extent of it.* Answers his scruples, and declares in what case he was bound by the Oath, or free from it; which hath not been done as to this Oath. 5. *Abraham for Eleazar's Encouragement to take the Oath*, condescends to tell him (probably from his Faith in the Lord) that the Oath would be effectual and successful as to the ends for which it was required; wherefore, tho we cannot expect such Assurances of the Efficacy and Success of this or any other Oath; yet its very necessary that *Abraham* when imposing this Oath, should not Act any thing that looked like a Frustrating of it, or Ensnaring of *Eleazar* by telling him, that it was in his power to take a *Canaanitish Woman* for a Wife to his Son *Isaac*. 6. Till the Oath was thus cleared, *Eleazar took it not*; but his Scruples being removed by him, who had Power and Authority so to do, he complied with it? Whence it appears that Jurants have brought on themselves a sinful Blot, by neglecting so pious and good Examples; as that of the Spies also was, who would have every thing clear as to the Oath betwixt them and *Rahab*. *Jos. 2.* from 12. to 22. In Imitation of whom they had procured justly a savory Fame.

7. This Oath is sinful, because it contains no fewer than Forty Battologies  
or

or Vain Repetitions, the Sense of which might have been as well and fully express'd by eight or nine words at most, as will appear to any who will recount them: In the very Frontispiece four of them offers at first View, whereas one would have done as liquidly, they being perfect Synonyma's of the same Import and Clearness; as for Instance, Cole in his *English Dictionary* says, *Recognition is Acknowledgement*. So that the Accumulation of so many of them, is no Fruit of Tenderness, as some Jurants alledge, to make the Oath more Liquid and clear. For, 1st. All Vaniloquy or Idle speaking in our Daily Conversation, is prohibite, much more in an Oath: If any Person addressed another thus, *I acknowledge, profess, testify, and declare, &c.* would he not be thought (impartially speaking) to bring out some Ludicrous Matter, and to be in a Sport, or meerly flaunting. 2d. All Men of a Sound Judgment are, on good grounds, for a Concise Plain way of Speaking and Writing; to speak much and plainly in Few Words, being a Noble Attainment, and usually commend-ed: For Solomon says, *Prov. 17. 27. He that hath Knowledge, spareth his Words.* Whereas to express the same thing in many Words, is commonly reckoned the Effect of a weak comprehension and shallow Thoughts. 3d. Acute Prynne in his *Power of Parl.* Pag. 75. Ed. 2. thus argues upon the Coronation Oath of Henry 8, and Edward 6, *This Clause of the Oath refers wholly and only to Future New Laws, else there would be much Tautology in this short Solemn Oath, unsuitable to the grave Wisdom and Judgment of a whole Kingdom, to prescribe and continue for so many Ages, and for our Kings in discretion to take.* And afterwards in the same Page he hath these words; *It would be a meer Surplusage or Battology, yea, the same in Substance, &c.* 4th. Tautologies or vain Repetitions in our Prayers, being expressly forbidden, they ought not to be us'd in Oaths, where GOD is invoked in a most solemn awful manner. 5th. As to all Worship of GOD, of which an Oath is a part, our words are requir-ed to be few, He being in Heaven, and we on Earth. 6th. A Scots Prayer with such Jugling Redundancies, would be justly thought very unsuitable to the Divine Presence, particularly by the English Politeness, which affects neat and fine Accuracy.

8. The Security of the Church of *England*, as by Law establish'd, was one of the principal Reasons for which this Oath was first fram'd and impos'd, as the following Words of the Act first enjoyning the Oath abundantly manifest; *On which said Acts (viz: these mentioned and referred to in the Oath) the Safety of Your Majesty's Royal Person and Government, the Continuance of the Monarchy of England, the Preservation of the Protestant Religion, the Maintenance of the Church of England, as by Law establish'd, the Security of the Ancient and Undoubted Rights and Liberties, and the future Peace and Tranquility of this Kingdom, do (under GOD) entirely depend; to the Intent therefore that the said Acts may be for ever inviolably preserved, &c.* This Oath of Abjuration is enacted to be taken by all Civil, Military, and Ecclesiastical Persons, under

under such Penalties as is there more fully narrated, than which nothing can be plainer.

9. That this Oath is sinful from the way and manner of the Ministers taking of it is evident: For, 1. Some took it privately or hiddeñly from the People, which was neither Ministerial nor Christian, in regard that this is to confound private and publick Duties, and directly contrary to the native drift of that parabolick Expression of our Lords, *A City set on an Hill cannot be hid*; For the Law requir'd the Oath to be taken publickly before the Quarter Sessions of the Justices; and the Oath being, as Jurants say, a publick Duty; and indeed they can never say it's a secret Duty, who considers it's an Oath to avouch the Queen and Hannover's Rights against the Pretender before the World; and it's chiet scope and Design, with the Confession of Jurants, is to distinguish them from Jacobites; which end is not answer'd by a Clandestine taking of it. 2. Others took it publickly, some, as I hear without any explication at all, because it was not admitted; Others with a Verbal Declaration; but many if not the most part, with a written one; as to which( wa.ing what diversity was among them, the eff. &c of their Temerity and in its self offensive,) let us consider. 1. This Protest, Explication or whatever else they call it, was either Native and Genuine, or Superinduced and Forced, that is, it was either agreeable or not, to the scope of the Oath; the plain and common meaning of the Words, in which it was conceiv'd and Sworn, and to the mind or design of the Legislator imposing it; and which of thele they say, they are taken in the snare of wofull Prevarication with GOD and Man; tho Charitably thinking, it was not their Explicit and Formal Intention; for if they say it was agreeable as said is, it was a meer shame and Juggle, and no help or ease to their Consciences, haying Sworn the Oath Literally, and as it stands without any restricting Sence of their own; and leing they magnify this among the unthinking Credulous and Variable People, its plain this Protest was a meer Artifice to vail and hoodwink them.

If they lay, it was not agreeable, then they have frustrate the very end of the Oath, dealt falsely with GOD and the Government, by devising a sence that was never intended, and laid a bad precedent for the future, teaching others how to evade the binding force of any Oath whatlomever. Our ingenuous Reformers were not acquaint with such politick, and delusive explications, when they told King James 6th, they would not Subscribe the Bond, as it was called, owning his Authority, seeing they had given full proof of their Sincere Affections to him, and declar'd their firm Resolution to continue the same in all Duty, in GOD; with which he was not satisfied; whereas they might and should according to this course, have Subscrib'd the same, sworn the Oath of Supremacy, sign'd the Bond approving of the Acts of Parliament, which Establish'd Bishops, &c. And

all the Articles that either he or the Bishops then required to be subscribed, especially if they made before Hand a Protest or Declaration, that they only understood them in a sense agreeable to the Acts of Parliament made in favours of their Rights and Liberties; so that they, even the Judicious and Honest among them, tho' well skill'd in Latine, yet could never learn that saying of *Cato*, *Sic ars deluditur arte.*

2. How can they answer their own Consciences, and these, whom they so freely advised to take this Oath, while they durst not take it, without an Explication, when it came to their own Doors? Is this to practise what they taught to others; or to do, as they would be done by? 3ly. It can never be rationally comprehended, how a Protest so general, viz. *That this Oath is only taken, in a Sense consistent with the Protestant Religion, Presbyterian Government, Worship and Discipline,* is a Salvo to the Ministers their Consciences. For 1st. This is to explain one general by another. 2ly. Consistent with admits of a threefold Sense: One is, *That the Oath is taken, in so far as it agrees with the things forementioned, as they are at present established in Scotland; and their Belief of them:* Another is, *That the Matters contained in this Oath may continue in England, and the foresaid things in Scotland, as they are, without Prejudice to one another:* A third is, *That they take the Oath in so far as, it Stands with the Strength Vigor, and Growth of the foresaid Principles and Constitutions.* 3ly. They lay, *That the Act of Security warrants them to take it in their Sense;* while it bears no such thing. 4. It would have been a more prudent Regard to the Church's Safety, and their own Reputation, to have refused this Oath, till they had dealt with the Legislator for an Explication of it; or some Satisfaction about it, as our Reformers did, who would not go in to some Acts of Parliament, 1584, till King Ja. VI. explained them, which he did.

4. There is a three fold Interpretation of Laws agreed to by Moralists and Lawyers, one Authentick; which is unfolding of their Sense when doubtfull and unclear, and this is Generally owned to be only competent to the Legislator; another is Authoritative, being a judicial Application of the Law to particular cases; and its peculiar to inferior Judges; flowing from the Scope of the Law and intention of its Makers, which is to Administer Justice and Right to every one; a third is what they call Rational and Doctrinal, which hath no Obligation of it self, but what it derives from the Law; and is proper to Lawyers, or such as are Skilled in Law: The first the Jurants cannot ac-claim, because *ejus est explicare, cuius est condere.* And as little can they flee to the second, without manifest Usurpation of anothers Right; or the third, because they are not Lawyers, nor Skilled in the *English* Laws; and their Explication hath no force, but what it receives from the Oath; and consequently it was vain, and they are under the Obligation of that Oath, as if they had made no protest; which is so plain, that the Author of the Abjuration no Ground of Separation, owns no less page 24.

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5. Their taking it with a Protest or Explication, overthrows what is advanced in favours of it by the Author of the Oath considered. viz. That it becomes a plain and necessary duty upon the Parliament's imposing of it; for if a plain and necessary duty, what need was there of an Explication, for either it was plain and necessary in whole or in part? The Latter they cannot say, who founds as the foresaid Author, its necessity upon the Parliament's imposition of it, being every Title or Line imposed; therefore it must be wholly necessary. And what appears from their Protest, it was all alike necessary and plain; seeing it makes no distinction, so that their Protest was Superfluous and Absurd, being the Explication of one duty by another; especially considering that this Oath was clear or not: If clear, there was no need of a Declaration. If not clear, what way can a General and Lame Protest, which opens up not one word or Sentence of the Oath, make that clear which is dark and unclear in it self.

6. I mind no such strange conduct or bad step, as this Protestation, except in some Curates and Persons of Quality, who Explained the Test, when they took it; for which some lost their Life: So that if the Abjuration Swearing Ministers with a Declaration had not a mild Government to deal with, they might expect the same Treatment, from which it's referred to in the Impartial Sense of mankind, if they can look for Exemption upon what the Author of Abjuration no Ground of Separation, says page 24. viz. *That their Declaration was to prevent Mistakes and Misconstructions and no so much for the sake of thir own Consciences, as for the satisfaction of others.* Whence ( notice ) he does not altogether exclude the concern of their own Consciences from their beloved Protest; but plainly insinuates that they had a greater regard by it to the satisfaction of others; as to which they have met with a just disappointment by the Divine Providence for imposing on others, Ministers or People as blind or uncapable through this Dressy Artifice; what but a project to their own Consciences, cou'd induce Men to a method of this kind so obviously disatisfying: But adds he, the Declaration was putting no Sense upon the Oath; but declaring what they were convinced was the common and plain Sense of it; which was so nice and whimsical a Distinction. viz. The Declaration puts no Sense on the Oath, only it it declares what they judged to be the Sense of it; that it's justly doubted, if it would bear weight before the Legislative or any else, being a flat Contradiction; to the whole of which I know no such pat Resemblance: as that of two Ministers their Subscribing the Act of Parliament, May 1584, according to the word of GOD, and not allowing of the Acts of Bishops, &c. Which Subscription thus Qualified they made known, because of Sinistrous reports, with the King's consent; but others saw it a piece of meer Sophistry as they called it, and a colour to blind the Eyes of the People: And therefore stood out against

gainst any such Subscription, for several weighty Reasons adduced by the famous Mr. James Melvil; which this Protest may be very well Termed. viz. Sophistry, in respect that many of them who had no mind to take it at all, even in the very Morning of the Day perfitt for that effect; yet so great and sudden light shined upon them from the perswasion of others anent the Excellency of the Protest, that they went into it. Others Sware it even where their offered Declaration was rejected; and another sort took it, after the Justices declared that notwithstanding of the Protest, they would Administer the Oath in the Sense of the Imposers, and the common meaning of its Words.

Passing several things very obvious in the circumstantiat case of the Church and Nation of Scotland, which strongly make against this Oath, as inexpedient to be detail'd. I conclude this first Class of Arguments against the Oath with this. The Oath which binds to what is utterly impracticable and apparantly impossible, as Matters stand, is unlawful; and that this Oath is such, appears from 1. The Jacobites being ( from what is known from the most probable Accounts ) Supernumerary and Superior in Power to the Hanoverians in Britain. *Verbum sapienti sat est.* 2. The Moral certainty of a French Connivence ( against which the Terms of Peace can never secure ) at the Pretender's coming with the help of French Disbanded Soldiers. 3. The Assurances Jacobites have of getting Home the Pretender, from what Airth GOD only knows; of which very credible Accounts have come from Hanover's Friends Abroad; and sometimes from Jacobites in their Wine. *In vino veritas.* 4. The lamentable Divisions among our selves both in Church and State; which seem incurable and are coming to a great hight by reason of this Oath, the love of Preheminence and many heavy grievances; besides the many gross Errors, Immoralities, Hypocrisie, Contempt of the Gospel, abuse of and Ingratitude for former Mercies and Deliverances, perfidy to GOD and Man; which abounding among all sorts and Parties of People, and long persisted in without any appearance of returning to the Lord: All which according to the scope of Sacred History says to every sensible Christian, that the takers of this Oath are utterly unable to perform it; and that by swearing of it they Rancounter the drift of that Parable, *Luke 14. 28.* which plainly discharges a pre-engagement to War in case of insufficiency.

I only foresee two things worthy of any notice that can be objected,

1. Arguments drawn from the circumstances of a thing Lawful in it self, as Jurants judge this Oath to be, can never make it unlawful: Therefore our bad circumstances ought not to hinder us from what is Lawful, or a necessary Duty. To which I answer, This is a great mistake; for both Divinity and Moral Phylosophy teach, that tho' circumstances be called such in genere entis, or in respect of the thing or action they attend, Physically

cally consider'd, being but Adventitious external Appendages thereof ; and so alter not its Nature ; yet they are essential *in genere moris*, or to any Action Ethically or Morally speaking ; and so intimately and necessarily influential upon it, that they alter its Nature intirely, in respect of its Morality ; So that a thing in its self good or Lawful becomes sinful or culpably evil, when cleath'd with bad or undue circumstances ; Whence this Oath being attended with such circumstances, as makes it greivous and prejudicial to this Church, becomes complexly consider'd, sinful and should not be taken.

2. Some Jurants varnish this muddy Oath with this specious Colour, viz; That tho' Circumstances be very bad ; yet we should have taken this Oath, lest by neglecting of it, they become far worse, through the prevailing of Papists, Jacobites and High-flyers, and the Irritation of their Friends ; which will easily disappear, if we consider, 1st. That seing they never did, nor can pretend, that the Oath is a Duty absolutely necessary ; but only what is commonly called positive ; which is to be preferred *pro hic & nunc*, in such Circumstances as render it advantagious and profitable ; wherefore this Oath ought not to have been taken, when with the Confession of Jurants, it came with many visible Disadvantages, as may be heard afterwards ; especially, considering, that its Circumstances are palpably *impeditive boni*, or what obstructs our good, & *inductive mali*, or what procures our hurt. 2. There is a vast Difference betwixt our sinful Occasion to the aggrandizing of our Grievances, or our own active Hand in making our Circumstances worse, & our Enemies making them such, without our Consent, or against our Wills ; the first of which is to be garded against, with utmost Caution, as would not be accessary to our own Ruine ; whereas the Prevalency of Enemies, without our Concurrence, is not our Fault. 3. None in Bondage, or under heavy Vassalage, will swear to its continuance, for Fear of Threats, or Appearances that it be made heavier, when they have any Ground of Hope to be otherwise liberate, or disintangled in a lawful way, except in the case of meer Cowardice, or Infatuation. 4. Seing all things look like Hannover's and Pretender's Sword to end the Controversy, the taking of this Oath was vain swearing ; for the great end of an Oath is to put away Strife, Heb: 6. 16. 54. The Event of this Oath, which hath shattered us among our selves, proves beyond Contradiction, that without it we had been in a better Capacity to oppose Papists, and their Adherents. 6. I know no Reason, why we should endanger, or less the most Scriptural Reformation in the World, in Hopes of Low Church's Help, who are known, and owned by some Defenders of the Oath, of which more hereafter, to be so unneighbourly and selfish, as to wish our Conformity to them ; is not this very like to France's matching with Savoy, upon pretences of greater Strength and Friendship, to swallow him up, and make him no more the Savoyard, but interly French ? Should not we

mind, that our Reformation was concredited to us by the LORD, as a great Trust, and transmitted to us by our Ancestors, after many Strugles with much Expence of Blood and Treasures, to the Admiration of the English, who commended them for the Wonders, GOD helped them to perform; and courted them, as worthy Neighbours, whose degenerate Posterity is now despised, as wanting the Spirit of their Forefathers; and therefore made tributary Underlings to these, who in their perfect Peace with France, are careless to seek, or insist for any Liberty to the Evangelick Churches in Germany, or the Protestants in France, or elsewhere; which also they unaccountably neglected before at the Treaty of Ryswick, even when the Protestant Princes in Germany had stoutly appeared for the same, according to *Cram. Sup. Hist. Pag. 825.* 826. &c. In a word, I know nothing resembles the whole of this more, than the honest Party in the two Nations providing defensive Weapons; which are afterwards leaized by the Cunning and Power of their Adversaries, and turned against them, for whose Safety they were at first intended, being told, You ought to yield and submit to what ever we command; for they are your own Weapons, which yet none for Self-defence could justly approve of, except it were in the Case of Conquest and Force, where no direct Approbation, or active Compliance; but a wise Submission ought to be, till a fit Opportunity of Relief, and Deliverance offered it self. 7. Ephraim's mingling with the Nations about him, was very coastly to him; the Fear of which Infection, being still a moral Reason, should excite the Church and People of GOD, to be very cautious against such like Mixtures, and ought to be of more Weight with them, than any Apprehension of temporal Loss or Danger; which may ever happen.

I proceed now to the second Class of Arguments against this Oath, viz. Such as are taken from the Body and Subject Matter of it:

First, This Oath includes contradictions, as it is taken and sensed by the Jurors. As ( 1 ) a belief in Conscience before GOD and the World of the Queen's and Hanover's Rights to the Crown, and that the Pretender hath no Right; yet what is Sworn thereanent is only for the present, without any respect to the future, as we will hear afterwards from these [who stand for this Oath: But how such a belief, consists with such a meaning, I know not. For one would think in Reason and Conscience both, that if he had solid grounds for such a belief, he must still have it, while these grounds remain, unless it could be proven, that such a belief is a vanishing meteor, and utterly groundless, which none sayes ( 2 ) The Oath is owned anent the foresaid matters, or Rights to be only *de presenti*; yet the end, use and scope of it, is to secure them, and exclude the Pretender, which according to the nature of all promissory Oaths implies not only a present, but future Obligation, *rebus sic stantibus*; or this Oath is only a Test to know, *An es Han---ns and Ja---s* for the time, and to leave them to turn to be what they please afterwards;

which

which is unworthy of the Parliament's wisdom, this being to make and unmake a Security at the same instant. However I am sure, that *Presbyterian Non-Jurors* think themselves bound by their Principles, to be for the Queen and Hannover's Rights against the Pretender, both now and hereafter. ( 3 ) This Oath is taken in its express words by the *Jurants*; and yet with an Explication as was noticed before. ( 4 ) Hannover is Sworn to as Protestant, and yet by the Laws he's Renounced if he Marry a Papist. ( 5 ) *Presbyterian King's or Queen's* are excluded and Sworn against under thate Phrase. All other whatsover, with the concession of the Author of the Dialogue, of which more afterwards; which contradicts the Covenants, *Presbyterian Principles*, their just Wishes and Interest. ( 6 ) The *Jurants* have been heard with this Oath had never been imposed or framed; and we noticed already, that the Scriptures sayes. *The Godly fear an Oath; yet they Swear it heartily and willingly,* is not this to contradict the Word of GOD and themselves too. ( 7 ) Right in this Oath according to the foresaid Author, includes either an Hereditary or Parliamentary Right; which being indefinitely express, cannot be denied to carry them very Natively in its Bottom; but these are opposite and inconsistent Rights as such, or as compleat.

2d. This Oath asserts or Recognizes the Queen's Rights, after Allegiance was Sworn to her. Which ( 1 ) Is preposterous, or a Swearing to that as last, which was Sworn to as first; and a Logical falsehood, or what is contrary to the nature and order of things: For all will grant, that the Queen's Right is prior to Allegiance, which is given upon the account of her Right. ( 2 ) The matter of an Oath should appear necessary, either from it's own nature, or urgent and convincing Circumstances, before it be either imposed or taken: Otherwise a Door is open'd to Oaths without end, not only as to different matters, but as to the same things; which is inconsistent with Christianity, and the Sacred Nature of an Oath. 3 The Ministers were either honest and true in their first Allegiance to the Queen, or not: If honest, then the first sufficiently tyed them; and a second and third was needless, they having gotten no new Publick Places since: If not honest, but knavish, which Malice itself can't say, then no Oath, however so often repeated, can bind them; and no Reason under Heaven why the same Oath can oblige them more a second time, than the first. 4. It's a Direct Scandal on Ministers, as the greatest of Villains, to require them to swear Allegiance to the same Princess thrice over, when once swearing of it in others is reckoned sufficient; the like of which, I believe, was never done since the World began, either on the part of Imposers or Takers. 5. It's a very bad, yea most dangerous Precedent, as others have well observ'd; and therefore should have been strenuously resisted: For it gives an Handle to a Government to impole what they please on a Church, and to subvert her, if not obeyed; and its notice worthy, that no such thing was done in *England*; tho' *Presbyterian Loyalty* is evinc'd in a late Pamphlet unanswerably

unanswerably, to be as True and Firm, as that of the High Church. 6. The Ministers, if true to the Covenants, which contains a Scriptural Allegiance in the LORD, by which our Subjection and Obedience to our Natural Parents is expressly hinted ; and having sworn this Oath of Allegiance *in terminis* formerly in due time, might very justly have withstood the reswearing of it : The requiring of it again, especially without the foresaid Limitation, being a strong Presumption before the World, that an Absolute and Illimited Allegiance was intended ; which puts me in Mind of a Story I somewhere have read, That King James 6. desired the Ministers to keep out the words, in GOD, and put in, According to the Acts of Future Parliaments and Assemblies : Whence we may learn Honest Caution !

3. This Oath is a Confirmation of the Union, in regard that the words, *This Realm, Succession of the Crown,* can with Sense and Reason intend no other thing than the British Crown, and the United Kingdom of Great Britain : For they cannot mean Scotland or England, or their separate Crowns, they being no more two Kingdoms, so that they have arrived at a more Accutness in Logical or Metaphysical Abstractions, who can conceive or swear the words which imports natively two Kingdoms United as one, without conceiving or swearing the Terms and Conditions, on which they were cemented and made one ; For all Union according to sound Philosophy, whether Natural, Spiritual, Moral, Artificial or Civil includes in its Nature the extremes united, and the way and manner of their Union and Conjunction ; which is not a little enforc'd from the Vindicators, sense of Succession of the Crown, viz. In so far, as its English or the British Crown, in so far as its English ; seeing either of these takes in the Union, which with its effects is a complication of gross Iniquities.

4. Ministers by virtue of their Office have no warrant in the Word of GOD to Decide Civil Rights between competing and contending Parties ; far less to Determine them upon Oath ; This being foreign to their Office ; and inconsistent with its Nature : Wherefore they may well say, as their Lord and Master did in a case exactly parallel to this, *Luke 12. 23, 14.* Who made me a divider, or a Judge ? When one of the Brethren debating about a civil Inheritance desir'd him to Determine thereanent : Ministers have no right nor Power to decide in such Controversies ; Christ's Kingdom not being of this World ; And I'm perswaded it will trouble any Jurant to find a Warrant in the Word of GOD for this part of the Oath with respect to Ministers ; and till then this must stand.

5. This Oath obliges to swear several Uncertainties, if not Falshoods ; whereas the Subject Matter of an Oath ought to be certain, *certitudine Objeci & Jurantis* ; otherways it cannot be sworn in Truth, Righteousness and Judgment. I only name these Uncertainties. 1. A Right, in general, absolute and indefinite Terms, sworn to in some, and abjured in others. As to which

which observe: 1. It may be doubted if a persons taking Stiles and Titles be matter of an Oath to these, who acclaim them not; I cannot tell, if the Consciences of the French Subjects be so interest'd in King or Queen of France as to give an Oath against them on the score. 2. It may be a just Scruple, if Ministers or others can give an Oath for or against a Right to the Crown without an express Specification of what Constitutes that Right or Forfeits the same according to the Word of GOD, and the standing fundamental Laws of the Kingdom; There being so many Discrepant, yea opposite Sentiments among the most able and competent Judges as to the said Right. 3. I find this Right according to the best approv'd Lawyers and Divines I can meet with, to be twofold, fundamental; consisting in Primogeniture or Proximity of Blood, and capacity or Fitness to govern, which takes in Soundness of Religion and Mind, compleat, by the Denomination and Election of the Representatives of a Kingdom, in a Parliament or Convention; and the Elected Person's giving Security by his Solemn Oath ( commonly called the Coronation Oath ) to preserve the People's Sound Religion, Rights, and Liberties, and to rule according to GOD's Word, and the wholesome Laws of the Kingdom; upon which Account chiefly and only the Subjects Oath of Fidelity becomes due, the Safety of the People being the Supream Law; both which being Correlats, are most suitably and satisfactorily given Covenant ways: and herein I am confirm'd, not only by the Parliaments at and since the Revolution, and the Actings of all Wise Nations I ever read of for ordinary, even waere their Monarchs are Elective; but by the Divine Oracles, which gives such express Approbation of the abovementioned Particulars, as the Constituents of a Real and True Right to a Crown, that they cannot be refused without flying in the Face of Truth itself. Whence, 4. To swear one's Right, or abjure it, in the Terms of this Oath, is a piece of Temerity unbecoming any Wise Man, who considers the Situation of our Affairs; for to swear the Queen's and Hannover's Right, without expressing the whole Foundation of it in Law, paves the way to Absolute and Arbitrary Rights, seing Parliaments may degenerate, as well as other Persons and Societies; and to abjure the Pretender's Right, without mentioning his Popish Education, as the Ground of his having no Right, is to put a Confinement and Limitation on GOD's Sovereign Grace in CHRIST; and Providence both, which no Created Power, however so great, can project or design, without the height of Rebellion against the KING of Kings, who by the former can change the Pretender, and qualifie him for the Government, as Jephtha; and by the latter can bring him to the Throne, without any such Change in him. When any Body's pretended Right is by Law alienate from him, and transferred or adjudged to others, there is no need of an Oath to be interposed thereanent, it being *res hactenus judicata*, or a Case already decided, especially considering the Adjection of this Oath for Confirmation of the Sentence.

tence of Parliament, in Hannover's Favours against the Pretender, does not, as was observed before, end the Strife. 6. Notwithstanding of what was advanced, at the Dawning of the Revolution, in Prints against the legitimacy of the Pretender; yet without the least Design of Byas in his Favours, for what Jurants know, he may have the fundamental Right of Proximity in Blood, and natural Capacity to rule or reign. 7. Uncertainty is, *the Territories belonging to England*, Is this our *Darien*, to which our Right was evinced by a Print, to be as valide, as any of that Kind in the World? Or is this *France*? which in the Narrative of the Act first appointing this Oath, is own'd by its Framers, to belong to the then King of *England*. Or is it *Scotland*, as pertaining to *England*, in the old fictitious Claim of its being held in Fee of their Crown, or on the new Foot of the Union? All which beside their uncertainty, are extraneous to the Province of Ministers. 8. Uncertainty is, *the discovering of Treasons, and traiterous Conspiracies*, not only against the Queen, but her Successors; which being promissory, relates not only to the by past and present Laws enacting what is Treason, &c. but to future Acts thereanent; which what they'll be, GOD only knows; and consequently ought not to be sworn to, this being to swear implicitly to future Emergents.

4. Uncertainty is, *The Word Dignity*, which is variously understood by these who wrote for this Oath, as we may see afterwards; tho' its more than probable it signifies Prerogative and Supremacy, both Civil and Ecclesiastick, to which Presbyterians cannot swear: For Lawyers define it an Honour conferred on a Person for their Merits by the Law or Prince; so that the Ecclesiastick Supremacy bestowed by the Law of *England* on the Queen, is a part of her Honour and Dignity; and in its genuine Notion, it's equiyalent to Preheminence, or Preferment and Precedency: And accordingly the Queen, by the foresaid Supremacy, is preferable by the Laws of *England*, to the Arch Bishop, both in Power and Honour, as she lately told them in a Letter. And the Act of Parliament settling the Succession of the Crown on Princels *Sophia*, says plainly thus; *Royal State and Dignity of the said Realms, and Honours, &c. Prerogatives, Powers, Jurisdiction, and Authority, &c.* Whence Dignity and Prerogative, among which the Headship of the Church is one, are the same in the Stile of English Laws. 5. Uncertainty is, *Successors, or any of them, against all Persons whatsoever*. As to which Illimited Expressions, Notice. 1. Casuists teach all generals in Oaths would be evited, because of the latent guile, that may be in them. 2. In ordinary Bonds of pecuniary Matters all care is justly taken that Clauses be as special and express as may be; consequently it should be so much more in an Oath. 3. *Nota*, its particular conditions ought to be in an Oath; wherefore the Qualification of Successor's should have been exprest. 4. In the very Test Successor's are qualified or restricted with the word *Lawful* once and again. 5. Uncertainty is,

is, without any secret Reservation whatsoever ; secret, was judiciously noticed by another, and therefore its past as in its full extent, excluding the Ministers Protest, and all due regard to Scotland's reserved Rights. 6. It gives just Umbrage to tender Consciences that several Phrases in this Oath, as to some weighty Matters are exactly the same with several Expressions in the Test, Oaths of Allegiance and Supremacy, in the former Reigns, as will appear to any who compares them together ; which run, as to Successors, in the same Strain, tho' with less Caution ; as Just now was observed, probably to prevent and cut off all the People from seeking Redress of their Grievances, when the Successors come to the Throne. Wherefore a conscientious purpose, to have our Civil and Ecclesiastick Grievances remedied, should have kept Ministers and others from this Oath, which includes an Oath of Allegiance to *Hanover* to whom it might have been given in all time, when he gave us satisfaction or Assurances of our obtaining a Redress.

7. This Oath takes in the Provisions and Conditions of Government, by reason of its express Reference to two Acts of English Parliament, which are contrary to Presbyterian Principles and Covenants ; and plainly obliges the Swearer of it not only to approve of, and consent to them ; but to do his outmost to have them performed, as is evident ( beside what others have said ) from these Considerations, by which it will be manifest, that as the Reduplicants upon the Conditions or provisions contained in the laid Acts, brings all of them unto the Oath that are unrepealed.

1. The preserving of the Acts referred to in the Oath Inviolable, which secures among other things, the Church of *England* as presently Established, is the chief Reason why this Oath was imposed at first ; as is clear from what is cited before out of the Act, first appointing the Oath to be taken ; and particularly the security of the said Church is repeated as a reason among others for the Imposition of this Oath, by an Act in third Year of Queen *Ann's* Reign, which puts this beyond any Rational Contradiction : And Jurants can never say that the preserving of the Titles of the said Acts, was the design of the Legislator, which always principally regard what is contained in them ; for if the means (*viz.* This Oath) as preserving the said Acts Invioable, as to their Subject matter, be contained or imposed, Common Sense and Reason says, that the ends are not past from it ; but really intended by the Oath ; wherefore seeing the Parliament expressly designed the security of the said Church, as to her Legal Establishment by their Enacting of this Oath, and no where declared their passing from it ; it follows that this Oath includes it among other things ; so that to say the Parliament could or did miss their Intention as to this matter, morally speaking is, a piece of Fond and Groundless credibly unbecoming Reasonable Men.

2. To maintain the Succession of the Crown and Limitations thereof, as

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some printed Copies of this Oath had it, *And so maintain the Succession of the Crown, as it stands limited, &c.* And other printed Copies hath it, *And to maintain the said Succession, as the same is and stands settled and intailed,* never be really differenced : For first, *Coleman's English Dictionary*, who understandeth English Language, as to its Import and *Idiom*, here than any *Scotchman*, says, That the *entail'd*, is limited or settled on conditions ; and there being in the Acts, Provisions or Conditions, which affect the Successor in *Perpetuity* as well in *Peculiarities*, this reference to those Acts includes them. 2. The Variety of Copies, says, either that the formentioned Words, or things, are the same, or which is to the same Purpose, That there is Skill in *Cruel working*, and *shuffling* among us in Scotland. 3. When the Words *limited or Limitation* were taken out, the Word *entail'd* is put in ; Does not this say, That they are equipollent Terms. 4. The Reference to the Acts being indefinitely by the Scope of the Law, the express Intention of the Parliament, and the Fundamental Constitutions of the English Monarchy, and the essential Influence of the whole standing Provisions thereupon, takes all of them into the Oath, according to that Logical Maxim, *Omnis Propositio indefinita in re necessaria est universalis.* 5. The Title of the last Act referred to in this Oath, being *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, undeniably clears, that the Reference takes in what ever limits the Crown ; which all the unrepealed Provisions do, they being, and even the Liberties of the Subject, plain Restriction upon it, and owned to be such, by all I have seen for, or against a limited Monarchy. 6. The difference that Jurants make betwixt *Entail, Limitations, Provisions or Conditions, &c.* is such childish and insolid Logomachy, that its stunning to hear Men of Sense and Probity assert it ; especially when they bring no Proof of it, as may be seen afterward ; and considering, that their very Nature speaks against it, besides what might be cited out of English Law-yers against it.

3. There is no Clause in the Oath, nor in the Law, declaring that the Protestant Succession in the Illustrious Family of Hannover is only and no more brought out of the foresaid Acts into the Oath ; which confirms what's above said as to the Identity of Limitations of Entail and Conditions of Government.

4. If the whole standing provisions were not brought into the Oath by its reference to the Acts containing them, it were in vain and superfluous to mention the Acts in the Oath. For, 1. Its inconceivable how Acts can be refer'd to, and not the things entail'd therein ; their Scope and Contents and not their bare Titles, being chiefly noticeable in Human Affairs, and especially in an Oath referring to them. 2. None can in Justice or Reason prescind, or

or abstract the Provisions from the Protestant Succession or Successors, which is express in the Oath; they being Correlates in Law, having a Reciprocal Dependence upon one another; so that he who swears to the one, swears to the other. 3. It can never be rationally supposed, That any Wise Nation, such as the *English*, would devolve their Regal Crown upon any Protestant Family, without Suitable Conditions for the Security of their Darling Church and State, and the most effectual way for their being implemented by their Comprehension in this Oath. The Reference in which. 4. shews, That the Right of their Crown is enter'd and fix'd upon such a Protestant Family, with such and such Provisions, their not marrying *Papists*, their taking of the English Coronation Oath, and their being in Communion of the Church of *England*, &c. or it hath no Sense at all worthy of the Wisdom of the Parliament.

5. According to the Authors of the Dialogue and Vindication, the Security of the Church of *England* against *Papery*, depends on the Protestant Succession, which is express in the Oath; whence its evident, that the foresaid Church, as at present Establish'd, is Sworn to by this Oath: For how can the Security be sworn to, and not the thing secured thereby, these being inseparable; Was the Church of *England*, only designed to be secured as Protestant, and not as by Law Established in her Hierachy, Ceremonies, and other pretended Rights by the Revolution, Protestant Succession, and Oath of Abjuration? Seeing her general Denomination of Protestants, only subsists in her present particular Hierarchick Constitutions; from which (according to her present State and actings in Print, by a late *English* Author) a great Body, if not the most part of her Sons will not easily remove, as from her Protestant Doctrine; which the foresaid Author evinces to be greatly Corrupted already, in many points of the Weightiest Gospel Truths.

6. It's a known Maxim in Law, *Accessorium sequitur suum principale*: So that the Protestant Succession, as a more Principal thing, being express in the Oath, all its other Qualifications specified in the Acts referred to, are Sworn to also; and it cannot be otherwise in reason, as is clear from this exact parallel. The Presbyterians Swore to maintain and defend the Protestant Religion, as its contained in the *National Covenant* and *Solemn League*, or as its settled in such Acts of the *Scots* Parliament, Entituled *Act for Security of the Protestant Religion, and Presbyterian Government*; would any Man of Candor think, that the Protestant Religion only is Sworn to, and not the special Modifications of it contained in the said *Covenants* and *Acts*; and tho the *Episcopal Clergy* understood by the *National Covenant* before 1638, as Jurants do this Oath; yet Presbyterians by what they did 38 and 39, made it evident, that it included more than the said Clergy alledged: Or if the Queen's Commissioner to the next Assembly, should give Assurances in her Name, of maintaining the Protestant Religion, as Established by such Acts, Entituled *Act, for Security of the Protestant Religion, and Presbyterian Government*

vernment, &c. would not all Presbyterians think and argue upon them, that not only the Protestant Religion, but *Presbyterian Government*, and their other Rights mentioned in such Acts, were Secured to them by the Queen's promise.

7. The Oath is to be regulate and Interpreted, according to Law, as the Jurants yeild; But the Law requires the Successor, to be of the Communion of the Church of *England*, and to do so and so in the Acts referred to by this Oath: Therefore this and all other unrepealed Provisions, as Sworn to as just and legal, for the performance of which, the Sweares are bounds to exercise their outmost power.

8. The Author of Accommodation before cited, owns in Express words, That seing the *Scots* had gone in with the *English* Successor, they should agree to the *Scots* Limitations, in so far as they were Reasonable to both; where observe. 1. This Author plainly Distinguishes the Limitations from the Successor, contrary to what some Authors write in Favours of this Oath, who makes them to be only the Persons to succeed to the Crown. 2. Limitations and Provisions or Conditions of the Government are the same; for he speaks of *Scots* Limitations as Contradistinct from the *English* ones; which as such, are their special reserved Rights; whereas in Reason he would not Speak so, if by Limitations he meant either the Successor, or what immediatly affects him, before his coming to the Throne; these being common to both Nations. viz. That he be a Protestant or so. 3. Its submitted to all Men of Impartial Judgement, if it be not Reasonable, that seing the *English* require the *Scot's* to Swear to the Succession with a reference to their Acts containing their Provisions, and that *de facto* the *Scot's*, at least the most part of them in Publick Trust, have Sworn accordingly; the *English* should be required to Swear, and actually Swear with a reference to the *Scot's* Provisions. Which is so just, that the *Scots*; if they had duly with the *English* regarded their special Rights, and the end of Government. viz. The Preservation of these, they would insisted for the same; especially considering that by the opulancy of *England*, the Attractive Influence of the Sovereigns being in their Communion, and what Insupportable Weights are already laid on us; we must, if the Lord prevent not, dwindle unto nothing. 4. It was Reasonable to both Kingdoms that the Sovereign should be left to his own liberty and choice, of being either in the Communion of the Church of *Scotland* or *England*, the *Scots* having been always more condescending than the *English* for which they had no Reason, but that the *English* were strongest; according to which weak People ought to be wronged, or have no Right; which is contrary to the Law of Nature and Notions, and what Christianity expressly forbids. 5: The *English* have granted no ease, relief or satisfaction; but continued to impose an Oath upon us designed and framed for the security of their Ecclesiastick and civil Rights, and referring to Acts containing these, its as clear as Sunshine that

that they intend by this Oath the Security of them, come of our selves and Rights what will. 6. We being one Kingdom under one King or Queen there was the greater need, considering the hurtful Influence of the English before the Union on our Affairs, and that its much more since and will be so, for guarding against what strengthned them to our prejudice, such as the Oath, in its reference is, unless we had at least been by them expressly and in a Parliamentary way absolved and freed from what we judged to be Noxious to our Principles and just interest: Especially seeing we had solemnly consented to take their Successor, and had given them no Ground to suspect us as inclined to renounce him.

9. The Particle *as*, in its common and usual Acceptation ( in which it must be taken by the Swearers of this Oath, because the Oath requires all its words to be so understood ) reduplicates on what its prefixt to, whether any of the things it refers to, be exprest or not ; of which take the following Instances that might be given : *Jehoshaphat says to these inviting him to Ramoth Gilead, I am as thou art, and my People as thy People, &c.* Where *AS* plainly takes in not only *Jehoshaphat*, and his People's going along with *Ahab*, but their going with him in a Military Posture, with such Arms as were used in those Days and that they were willing to help *Ahab* against the *Syrians*, and to take their hazard of the Event of the Battle. A Person says he, hath given his Estate to his Eldest Lawful Son, as the Disposition thereanent bears and declares ; here it takes in the Conveyance of the Estate, its Appertainants, and whatever Provisions relates to it in the Disposition. By the *Test*, People in *Scotland* were bound to maintain the Protestant Religion, as it was establisht by Law : Here it establishes *Episcopacy*, the *King's Supremacy*, the *Abjuration of the Covenants*, and whatever else affected the *Protestant Religion*, according to the then Establishment. We ought to walk in love, as *CHRIST* walked, which is not only to walk blamelessly, and with a Profession of Love to Him, but to follow Him in all His Imitable Perfections, or *Gospel Graces*, in all the Parts, Pendicles, and Helps or Means of *True Christian Love*. But further, That the Reference to the *Acts*, brings into the Oath all the Provisions, Conditions of Government, Limitations, or Legal Injunctions and Qualifications ( call them by what Words or Names you please ) whether before, at, or after the Successor's coming to the Throne, particularly, his taking the *English Coronation Oath*, and joining in Communion with that Church; is evident from;

First, The Nature of this Reference as worded in the Oath, viz. *I swear to maintain the Succession of the Crown, against the said James, and all others whatsoever, as the same is and stands settled by the first Act, &c. and as the same is and stands Settled and Intailed, &c.* Where its noticeable, 1. The Succession is laid to stand settled in both *Acts*, that it hath a legall foot upon such and such provisions, contained in the *Acts*, which the Parliament thought necessary to be made and to continue, 2. *Intailed* is added

ded to the second Act, by which the Succession of the Crown is devolved upon Princess Sophia and the Heirs of her Body being Protestants; but not to the first Act, which confers the Crown upon the Queen and the Heirs of Her Body, being Protestants; Whence, considering that the first Act, as was hinted before, contains some provisions, as the second contains some more or further provisions, and that Intail carries in its Nature conditions, its plain that they are brought into the Oath; 3. One of the Cardinal provisions being express, viz. Protestant in this Reference, it follows unavoidably that the rest, tho' not express, are taken into the Oath, they being Restrictions, Modifications and Affections of this; So that its plain sense is, *I swear to defend such a Protestant Succession, as its cloath'd, limited and qualifid in such Acts;* for its not material whether the word Protestant, go before or after the Reference to the Acts. 4. The Succession is sworn to expressly as Protestant, according as with the confession of a great Author it is settled by these Acts; which manifestly takes into the Oath all standing provisions thereanent. 5. The Protestant Succession is sworn as so and so settled in these Acts; in opposition to the Pretender on the one Hand, and all others whatsoever on the other, as the very Threed of the Reference says and points out; which on the Matter is a plain swearing to it as its calculate by these Acts, for preserving the civil and Religious Constitutions or Rights at present in England, and as it excludes by these provisions Papists, who might subvert them or others, who might alter or retrench them as to their Superfluities or Pompous exorbitancies. 6. The words, as it, or he is settled by such Acts, Natively import the conditions of Settlement or Intailment in the Throne, whether antecedent or consequent, for when the promises to defend a Ministers Right, as it is settled by such Acts of the Church and Parliament, which requires so many things of that Minister before and after his settlement, the Promiser is bound to own the Obligation & performance of these things in the Minister, the time of fulfilling conditions and provisions being wholly foreign and accidental to their Bonding Nature; of which more afterwards.

2. The Nature of the Provisions contain'd in the Acts referred to; as to which, all Jurants, for what I know, never denied, neither can they deny, That they all affect the Successor in the Design and Construction of Law; if they consider that he is obliged by it to be a Protestant, not to marry a Papist, nor make War for his own Hereditary Territories, nor go out of the Kingdom without Consent of Parliament, he must take the Coronation Oath, join in Communion of the Church of England, he must preserve the Subjects Undoubted Rights, rule according to the Standing Laws, and the like. Whence I argue, This Oath is fram'd and impos'd, in pursuance of these Provisions, and the Protestant Succession, or not; if in pursuance of them, then it must be of some of them, or all of

of them : But here the Parliament hath no where said, that it is in Pursuance of some of them, therefore it takes all of them in ; as is clear from what was cited before, out of the Act first appointing this Oath, where the Parliament expressly intends the Security of such Provisions by the Oath : And it can never be rationally supposed of them, deliberating and projecting their own Safety, by burdening a Successor with so many Provisions for that End; and framing an Oath with an Express View to secure the Succession and their own Rights, that they would only propose the security of some of them that were more substantially the Oath, when they themselves make no such Distinction, especially, while the Oath relates expressly to Acts containing them all, and a greater strength would accrue to them all by their comprehension in the Oath ; This would be to play fast and loose with what was of hedge value, and immediately affected the English legal Constitutions, both as to their Church and State. It is not in pursuance of the Provisions. Then the Protestant Successor by this Oath, and the Takers of it, is allowed an Absolute and Illimited Right or Power to Govern as he pleases ; which is such an Absurdity, that none will admit of it.

Because 1st. The English Monarchy is limited, that is, restricted by Laws from an Arbitrary and Dispotick Power over, or Disposal of the Subjects their Rights ; and the Successor is bound to preserve them according to Law ; which will be granted by all, but such as set up an imaginary Deity in Sovereigns, and sacrifice most irrationally Law, Reason Conscience and Liberty thereto. 2. The native Intention of pitching on King *William*, Queen *Anne*, Prince *Sophia*, is to secure and preserve their Rights, Civil and Ecclesiastick ; as is clear from the Declaration of the English Parliament, February 12 1689, The Acts referred to in the Oath, the Declaration of the then Prince of Orange, October 10 and 24. 83. and the Claims of Right in both Kindoms. 3. The Titles, Scope and Substance of the Acts referred to in the Oath relate to the Successor, so that Limitations of the Crown are, what not only affects the Right to it, but the Possession of it ; and the Security of the Subjects their Rights is a limiting of, or a Restriction on the Crown, or any who comes to it ; and the legal Injunctions on the Successor are made with this View, plainly of preserving the Subjects their Liberties and Religion, which is the very End of the Government ; and consequently of any Right to govern. 4. In the first Act referred to in the Oath, by the Abrogation of the Oaths of Allegiance and Supremacy, that obtained in the late Reigns, the Subjects Rights is in so far secured, that he's thereby freed, not only from swearing such Prerogative exalting Oaths ; but from the Power of such a Prerogative, and by substituting the other two Oaths therein mentioned in their Room, the Successor is secured in his Regal Right from the Peoples Rebellion, and the malign Influence of the Pope, Papists and others. 5. The second Act referred to in the Oath, intituled, *Act for further Limitation of the Crown*

and better securing the Subjects Right, plainly implies in the Parliament's Sense; the first Act contains Provisions, as is clear from the forelaid Instance out of it; But the Parliament judging these not sufficient, thought it necessary to add further Provisions in the second Act, which howsoever different they may seem to be in their absolute and particular Nature, yet agree in their Relation to, and Affection of the Succession and Successor, if they affect the one, they affect the other, according to that Logical Maxim, *Conjugatorum conjugata sunt Consequentia.*

6. Successors hitherto have come under these provisions, the Violation of which was sometimes to their cost; Whence the Security and Advantage of the English Rights were plainly of a peculiar regard, and preferred to their Sovereigns Despotick Inclinations, of which the Revolution is a late instance; so that Charity beginning at Home with them, none can think in reason, that they'll forget it now in this Oath; which is a stronger supervenient Tye thereto. Whence it manifestly follows, that the whole of the provisions are brought in with the Protestant Succession to this Oath; for the provisions cannot subsist without the Successor, no more than Accidents without a Subject: And the Protestant Successor cannot be sworn without them, unles the end of Nominating him, of enacting the provisions, of framing this Oath, and of its Reference to the Acts were utterly frustrate and of none effect: To all which I subjoin the following Query. If it be likely and credible that a Parliament, which is own'd, as we may hear afterwards, to wish our conformity to their Church, given no ease or satisfaction as to scruples, and done all they could to enlarge their Friends even in Scotland, and suppress Dissenters from her through Britain, would impose an Oath on Presbyterians utterly remote from their consent to, or Approbation of the Legal Establishment of the laid Church and her security, especially considering, that the Oath was at first designed for that end, among other things, when *High Flyers* were not so Rampant; and the Oath it self hath an actual express Reference to such Acts, as contains whatever can be desired for securing the foresaid Establishment; and that the Sons of the said Church hath been Jealous, as several late prints declare, of her being in danger from these that are required to take the Oath, from which they procured her, as they speak, some Reviviscence.

*Champ. in's. Present State of Brit. Pag. 78.* Uses Provisions, Limitations and Acts, as implying the same thing; his words are these, *For a further Provision of the Succession ( nota ) in the Protestant Line, &c. Who may inherit the Crown by Virtue of this Limitation, &c. Who comes to the Crown by virtue of this Act, &c.* After which, he plainly shews the Coronation Oath, which binds the Successor to maintain the Bishops and their Rights, to affect the Succession; and that for the further securing their Religion, &c. the Successor must join in Communion with the Church of England: And lest any should think the Protestant Religion

Religion in general, is only design'd to be secur'd, ( which is unreasonable to apprehend, for the said Joining natively secures the present Establishment of the said Church ) he tells, *Pag. 79.* Its for securing their Establisht Religion, which all know to be their Ceremonies and Hierarchy, as well as the 39 Articles, one of which (*viz. 37.*) expressly and directly approves of the Ecclesiastick Supremacy ; as to which none can say, this is but the Sentiments of a Private Historian, for he is nottowrly a Fellow of the Royal Society, and approven by the Queen in this Performance ; which infers him to be an Abler Judge in this Matter, than any Jurant Minister in Scotland, can either with Conscience or Modesty pretend : But he owns, *Pag. 77.* What he says anent the Protestant Succession, is an Abridgement of the Acts of Parliament thereanent, which vouches his Seal of the Provisions, Limitations, and Acts, as Identical to any disinteressed or not obstinat : And Reasons confirm it, 1. In Respect, that Provisions, Limitations and Qualifications, are convertible Terms and predictable of one another; its provided in Law so and so, its limited, restricted or conditioned thus and thus in Law ; are so clearly the same, that he most have a strange Laconean Eye, who can see a Difference among them, they being in ordinary Discourse used as Synonimous. 2. Its very usual for the thing containing, *viz.* Acts here, to be put or understood for the things contained, *viz.* the Provisions and Limitations. 3. As one who is bound to take the Oaths enjoin'd by Law, is said to come under an Obligation to be qualified in Law ; so the Protestant Successor being bound to such and such things by the Acts, they become his Qualifications in Law, or Provisions, Limitations, or Restrictions, and Conditions lying upon him by these Acts, from the first Commencement of his Parliamentary Right, which can never be separately sworn to, while the Reference to the Acts containg them stands in the Oath. 4. The classing or inserting of them in such a Method in the Acts, as to Priority or Posteriority, can never really distinguish them, or remove their Native or Legal Aspect to the Protestant Succession ; for the orderly disposing of things, alters not their Nature : So that he who swears this Reference, can never avoid swearing to them all. Whence this Argument may be framed :

*Seing Provisions, Limitations and Acts are the same, then a reference in the Oath to the Acts takes in the Provisions and Limitations.*

But

*The former is true, as appears from what is said.*

*Therefore, The reference in this Oath takes in, or includes the Provisions.*

Or thus

*The reference in this Oath is either Exclusive or Inclusive of the Acts, what they contain, *viz.* the Provisions.*

*But, Its not Exclusive, for it hath no words or marks of Exclusion that are acknowledged, for what I know by mankind to be such ; and it would be the*

*Right of Contradiction and Nonsense to say, that the Parliament made a Reference in an Oath to Acts which contains Provisions to Exclude them.*

*Therefore, It includes the Acts and what they contain.*

4. The Successor's being Protestant is so far from excluding the rest of the Provisions from the Oath, that the expressing of it in the reference is only a principal Example, or chief Instance of the Provisions, for Instances, Examples, or Inductions are Inclusive and never Exclusive; especially where an express reference is made to more Instances; so that the words *being Protestants* in the Oath is what they call in Schools the Example of a rule; which includes all other Examples, in that rule, as they are contained in, and directed by it; and is exactly parallel to this, I promise to maintain a School Master being a Latiner as a Bond requires, which provides that the School Master be diligent, hear the Minister of the Parish, takes a care in all the Establish't customs in that School, &c. Will any Man of Ingenuity say, I am only Bound to own him as a Latiner, and concerned with his Diligence, &c. But I conclude the Arguments with this.

*They who take the Abjuration Oath are Sworn to the Protestant Succession according to Law.*

*But, The Protestant Successor according to Law, must join in Communion with the Church of England, and take the English Coronation Oath.*

*Therefore, they who take the Abjuration are Sworn to the Protestant Successor's joining in the foresaid Communion, and taking the said Oath.*

I know nothing, that can with any shew of reason be objected against what is advanced in this last Class of arguments; but what we'll meet with in these Authors, who offered to defend this Oath, excepting this. viz: That there being several things understood in all Oaths, there was no need, that these should have been exprest in this; and particularly it was Superfluous to adject any express Qualification to the Word Successors, they being sufficiently Qualified by what followes in the Oath. viz: There being Protestants: To which I answer. 1. That altho some general things, as common conditions, for instance. If it be Possible, Lawful, the Swearer Live, &c. be usually understood, and not exprest in Oaths; yet what is special, particular, and does not carry evidently and openly in its own nature, a condition or caution and Restriction, ought to be exprest, according to the scope of an Oath, which is to cut off and prevent all guile or deceit; and for the satisfaction of tender Consciences: So that what is above said stands intire; and particularly the Word Successors, ought to have been expressly qualified, as was noticed before. 2. It's granted by the Author of the Letter ament the Oath, Page 12, of which more hereafter, that there are several special conditions to be understood in this Oath; whence its plain, they should have been exprest: For if necessarily understood, it would have been more clear, certain and distinct, to have set them

them down, for preventing of strife, and reproach afterwards. 3. In the *Test*, the Protestant Religion was expressly Sworn to, as then Establish'd in Scotland, which is not in this; and yet the Successors were not Sworn to in general and barely, but as lawful. 4. The Parliament hath declared, *That its in their power, to alter the Succession indefinitely, without confining themselves unto another Protestant Family, even sincethisOath was at first impoled, upon the pain of a premunire to any who denys this power in them,* which made a due Restriction on the Word *Successors* the more necessary. 5. A late Author assures us, that there are publick and legal Teachers in the Communion of the Protestant Church of England, who deny the Trinity, and Diety of Christ, which are as bade? Yea, worse then any Romish Errors as such that I can at present think on; whence its plain, that to be a Protestant is no sufficient Qualification, either to Magistrates or Ministers, as the special provisions made anent them in Church and State fully confirm. 6. *Lawful Successors, or Successors Qualified in Law,* comprehends in the Sense of all sound Protestants and true Revolutioners, not only their soundnes in the Fundamentals of the Christian Protestant Religion; but their just legal Right, as is clear from that Provision of the Protestant Successors incapacity, in case he Marry a Papist; of which there would been no necessity, if his being a Protestant, had been a sufficient Restriction, or strong enough check upon him, from turning Papist, or settling Popery.

I come at length according to the Method at first laid down, to the last thing proposed, viz. To remove the seeming force of what is advanced by several Authors in favours of this Oath; but before I make any particular returns to them, it will not be amiss to offer some few general Remarks, as to these six Authors for the Oath of Abjuraion. viz. The Oath sets in its true light; the Letter to a Friend anent it, The Oath consider'd, the Dialogue, the Vindication and Abjuration no Ground of Separation.

First, I can find no Arguments for the Lawfulness of this Oath among them all; but several Essays to demolish what had been rear'd up against it, on very good Grounds except this which Jurants with all their Art inculcat mightily upon the People, viz. That its a sin to refuse a Lawful Oath imposed by Lawful Authority according to the Confession of Faith *Chap. 22.* But that is a shameful abusing of the People and the Confession of Faith. Both is clear in respect, 1. The lawfulness of this Oath of Abjuration is under Debate; Whereas the Confession means an Oath that's clearly lawful and cannot be scrupled at with any reason. 2. The Confession speaks of imposing of a lawful Oath once; and not twice or thrice, as the Allegiance in this Oath and by it self alone. 3. Tho' the Queen's Authority be lawful; yet not the Bishops, &c. 4. It cannot be said, if it be no sin to refuse an Oath at first, its no sin to refuse it, however so often required;

*because*

because this is to make a progres of Oaths without end, and to prostitute their Sacred Tye, or binding Nature.

5. The Confession of Faith asserts nothing contrary to the word of God, which says, *all things Lawful are not Expedient*; wherefore what the Confession says is plainly, when an Oath is both Lawful and Expedient, that is, conduces in all its moral Circumstances, to the benefit and advantage of Souls and true Reformation, which this Oath is not. 6. The words of the Confession are these, *it's a Sin to refuse an Oath touching any thing that is good and just*; which confirms what is said, and a Lawful Oath being imposed by Lawful Authority, ought to be taken in such matters. *viz.* Of weight and moment, which only takes place when we are duly called thereunto, the matter is of a publick or secret Trespass, and cannot otherways be cleared or reformed, as the Scriptures adduced to prove the foresaid Sentences plainly evince, which no was quadrate to this Oath. Whence I argue, 1. what ever is morally good or Lawful and Expedient is capable of positive proof from solid Topicks, either in Divinity, Philosophy, and sound Policy; but this Oath hath no such proof: And its certain, if it could been thus proven, the Jurants would have done it ere now, it being their interest; wherefore its neither Lawful nor Expedient.

2. They nauseously repeat and inculcat the same things; so that what they have said might have been compris'd in less Bounds; if a Show, particularly of the Dialogue, had not been Popular and Impressiv on the Injudicious.

3. They either wrote or misrepresent the Arguments against the Oath, which the Authors of *The Oath in its True Light*, and of the Letter, and Dialogue, especially, are guilty of.

4. They commend their own Party as Sufferers, &c: which is foreign to the Debate anent the Oath, as if none of the Recusants had been Sufferers, which severals of them were, and reflect on the Nonjurants as Jacobites, weak, &c. which is false.

5. They were the first Aggressors, both before and after the Oath was taken several Places, contrary to the Recommendations of Ministerial Forbearance.

6. They differ among themselves, as to the sensing of several words in the Oath; all which are but hinted, as being obvious to the Judicious, and fully evident from what follows in Part 2d. As also,

7. Their Sense of the Oath is only supported by Conjectures, &c. which could never warrant their taking of it; of which more afterwards.

## F I N I S.

Courteous Reader, Pardon some Escapes and Errors of the Press, especially in the first Sheet. For Gleanings read Gleanings, and Insinuation read Insinuation, &c.

A

# VINDICATION OF THE Ministers and Ruling Elders, IN THE Church of SCOTLAND,

Who have refused the OATH of ABJURATION.

Wherein,

The Inexpediency, and Unlawfulness of the said OATH, are  
further cleared and evinc'd.

## P A R T I I.

Containing Answers to Six Pamphlets, Emitted in Favours  
of the foresaid Oath; and discovering the Weakness of Ju-  
dgments their Plea, in their Artful Evasions, Smoothings, and  
Precisions.

Printed, Anno M DCC XIII.

# The Publisher to the Reader.

Courteous Reader,

**B**E pleas'd to beware of imputing any thing in the first or second Part of this Vindication, which may be justly dissatisfying to the Pre--n Non jurors in this Church; for whatever Escapes are found therein, except these of the Press, the Author is willing to rectifie upon better Information: And he pretends no Authority, or Warrant from the Non-jurors for his small Performance; which he, tho' most unfit, only undertook, out of a just Zeal for the good Old Cause, as his small Leisure allow'd.

The discreet Reader is likewise intreated to amend the following Escapes of the Press, in the first Prat, pag. 2, line 15. blot out own. p. 3, l. 4. after Grounds add, whence. p. 7, l. 38. for Probations, read Probabilities. p. 9, lin. ult. after cuts, add off. p. 14, l. 29. for juggling, r. gingling. p. 17, l. 28, after incapable add to see. l. 29, after Project, add of Ease. p. 20, l. 13, in the two Nations, blot out the. p. 23, l. 3. after Queen, add of E. their taking on them the Stile and Title of K. or Q. p 25, l. 4. for credibly, r. Credulity. p. 26, l. 33, after Oath, add for Seclusions, when design'd, are usually exprest in Law, and we must not distinguish without, or against the Law. And l. 39, for entail'd, r. contain'd. p. 30, l. 26, when the promises, r. when one promises. p. 31, l. 9. for substantially, r. substantial by. p. 32, l. 35, before Chamb: add 3. p. 33, l. 17, for nottourly, r. not only. p. 34, l. 15, for concern'd, r. unconcern'd. And l. 17, for Succession, r. Successor. p. 24, l. 39, for Nota its, r. no tacite. And some others of lesser Moment, occasioned by the Author's Absence from the Press.

Printed, MDCCLIII.

Sir

*Sir,*

**T**HOU' it be well known to be a Piece of the Politicks of several Jurors, to despise and contemn both Persons and Things, when unagreeable to their Measures and Projects, contrary to the Word of GOD, and Rules of true Policy, which forbid it, being the genuine Effect of Pride and Weakness, and no way suitable to procure, or maintain Peace : Yet out of respect to them, and lest they should complain of being slighted, which is observ'd to be a Cause of their very heavy Resentments ; I shall follow as closely, as my Time will allow, the several Authors, who have wrote in Defence of the Oath of *Abjuration*; notwithstanding, that the seeming Force of what they say might be taken off more briefly, by answering to these things, in which they agree, anent the Necessity of this Oath, the Rights, and Reference in it, or the like; and by refuting what new or distinct Matter any of them advances : Wherefore I shall range these Answers into several Sections according to the Number of Pamphlets.

## SECTION I.

Containing Answers to *The OATH set in its true Light.*

**I** Need not insist much upon this, it being sufficiently refuted by another, as to what was most noticeable in it ; and some Jurants have expressly own'd its Weakness.

This Author bath not the Shadow of a Reason, or Argument, but mere Reflections on some Non-jurants very groundless and naked Allegations, as every unbiass'd Reader will perceive; till he come to pag. 11, 12, & 13. Where he says, *Limitation and Entail or Tailzie are all one*; and adduces four Reasons, such as they are, to prove that they are the same : To which, because they'll come in afterwards under a more specious Dress, I shall only lay here, 1. This makes against himself; for *Entail* and *Limitation* being the same, when one swears to maintain the Crown, *as limited, or entailed*, he swears to the *Provisions*, which the Author can't deny to limit the Crown ; for in Law and Reason both, so far as I can find, *Limitation carries natively in its Bottom, 1stly. A Conveyance of a Right, 2dly. The Person, or Persons, to whom it is convey'd. 3dly. That which restricts,*

stints or bounds this Right, viz. The Provisions or Conditions agreed to by Law and Paction: Consequently, he must yield, that these are brought into the Oath, by the Words *Limited* and *Entail'd*. 2. Its referred to all Men of Judgement, if they do not think presently upon a Right with its Burthens, Provisions and Restrictions, when ever they hear, or speak of a limited or tailzied Succession; especially seeing these Provisions are known, and enacted by Law, as in this Case. 3. I desiderate Proof, that an *entail'd* or *tailzied Succession*, means only the extending, or lengthening out of the Succession to such and such Persons, or Families, without Conditions; and I believe, it will trouble this great Man, to produce one Instance of an *entail'd Succession*, or *tailzed Estate* without them, where limited Monarchy takes Place, or People are govern'd by Laws.

But let us hear his Arguments, the first of which is taken from that Clause, in *CASE the Limitation should determine or cease*. His second is founded on another Expression, viz. *Who should inherit the Crown by Virtue of the Limitation, &c.* His third upon these Words, *Its requit, that some further Provision be made, &c.* His fourth and last stands on this, *That some Provisions, which he enumerates, without telling his Reader what they are, must take Effect, after the further Limitation is made effectual:* From which he inters, *That Limitation, or Entail, is distinguish'd from the Provisions, as he thinks is very clear from these Words, in Article 2d. of the UNION, viz. For settling the Succession in the Protestant Line, and excluding all Popish Successors for ever:* All which to be meer Shuffling, or Mistake, is plain from these Considerations.

1. By Limitation he means only the Persons to Succeed: Whereas the words he cites out of the Acts makes them different, or at least shews Limitation to intend something more than such Successors barely, viz. Their Legal Qualifications, as we have already heard; for otherwise these Words in the second Act, *Every Person who shall inherit the Crown by virtue of the Limitation, &c.* And we promise to defend the Princess Sophia, and the Heirs of her Body, being Protestants, according to the Limitation and Succession of the Crown in this Act specify'd and contain'd, with our Lives and Estates, &c. can have no Tollerable Sense. Whence its evident, that Limitation in the design of the Legislative, means principally the conditions extant in this Act: And according to this Author, Entail'd and Limited being the same, Entail'd in the Oath must intend the Provisions, unless he makes the forecited words meerly Nugatory and Nonsensical; thus the Persons who are to inherit, by virtue of these Persons, who are to inherit or succeed, or the like. 2. Limitation or Entail, means either the Persons to whom the Crown is astricited by this Act with their Qualifications therein Enacted, or without them; if the Latter, then not only the absurdity follows, which was just now mentioned, but the Successors are absolute and free of all Bonds,

Bonds, and as such Sworn to a matter or busness diametrically contrary to scope of the Acts, their contents and the words last cited. If Limitation include the first, then I have my purpose, viz: That Entail'd in the Oath takes in all the provisions that in the Act affects the Successor. 3. I want prooft that the words, *Limited* or *Intailed*, signifies no more than these Successors or Persons on whom the Crown is Devolved; for his meer insinuation ( for indeed he's so weary that he durst not speak it out ) is no Argument, and it might justly been expected of such an able Author that he wou'd made condescendances and given instances of other Lawyers understanding these Words as he does, if there had been any such.

Whence 4. I can see no Difference betwixt *further provision*, on which he and others lays great weight, and *further Limitation*; for certainly the Parliament very well understood to make the Title of their Act and the Body of it agree; and altho' the Clause, *some further provision for securing their Religion &c.* be added after furder Limitation of the Crown; yet this plainly implices provision and Limitation to be the same, and we may hear afterwards the Parliament using them promiscuously; For the word *Further provision*, in the sene of all I converse with, says, that what went before it, was a provision, call it as you please; And it being a Note of Gradation, he might mind that *Gradus non Variant speciem*; and in all the Discourses or Languages I ever heard or understood, the word *further* intends, that what is subjoined to it, is relative to what went before and to the same purpose; of which instances might be given without end: As for Example, if a Minister preaching on Christ's Sufferings, and having Discours'd several things thereanent, he shou'd say; yea further, he suffered thus and thus: Cou'd any in reason infer, that what he last said, even tho' it were particularly considered distinct from his foregoing Discourse, was exclusive of it, and wholly impertinent? And suppose one were required to swear, that they wou'd maintain the Doctrine of Christ's Sufferings ( as its declared and avouch'd in such a Sermon ) he being the greatest Sufferer; cou'd any say, that the Swearer of such a Sentence is only bound to what was said before the word *further*, or to believe that he was the greatest Sufferer, but utterly unconcerned with the particular Explications of these Sufferings after the word *further*? and yet the reasoning of this Author and others is the very same. 5. However so discrepant the provisions be in their absolute and particular Nature as was before hinted, ( for instance, to join in Communion with the Church of England, and not to go out of Britain, and Ireland, without the Parliament's leave, are very distinct and different in themselves ) yet their Difference does not hinder them from being Restrictions on the Successor, who by the Law is obliged to undergo them both; and seeing he can according to the Acts, plead no Exemption from them on the score of their being distinct things, as little can they who

who swear the Reference to the Acts, in which they stand on a Level, as the Dialogue says, *Page 50.* and without any Bill of Exclusion upon the least of them, which the Parliament thinks fit to continue. 6. The words recited before by this Author from *Art. 2d,* of *Union*, being general, can never be Exegetick of what the *English* Parliament says, which is expressly special and particular, as to their Design of securing their Establishment by this Oath; for to explain what's particular by a general, is to elude and frustrate all special provisions and Contracts.

As to what he says *Page 14.* anent *As* and *Which*, being in a manner the same; &c. I answer, 1. Its credibly informed that the House of Peers thought otherwise; see *Essay Page 16.* If Acts which were the same, that famous Distinction in the Schools, *Specificative* and *Reduplicative*, were to no purpose; which for this Author's meer Allegation, our Professors of Philosophy will not say. 3. Seing he yields, that *AS* reduplicates upon the Members of Entail in the first Act, why may it not Reduplicat upon the provisions in the second Act? 4. Its a mistake, That the first Act contains no provisions, as is seen already; and he granted, *Page 10.* That this Act ensued upon the *Claim of Right*, which wanted not provisions: But suppose ( which is not granted ) that the first Act had no provisions, what says that against the Reduplication of *As* upon the provisions he yields to be in the second Act.

*Page 14.* and *15.* He brings no proof, That the provisions he mentions, are excluded from the Oath; but only lays, no Man of good sense can pretend them to import any Obligation upon the Swearer. To which it's enough to answ're, That it being usual in Laws and Contracts, to make an Express Article of Seclusion, or Clause of Exception, when they wou'd ease Persons of what otherways they're lyable to; but no such Clause appearing either in the Acts or Oath, the Taker of it is oblig'd, not only to consent to and approve of the Provisions, but to do his utmost to have them perform'd; which the Government may call him to, by Virtue of his Oath ( for what this Author and I know ) not without Reason.

What he says, *Pag. 15.* and *16.* of the Successor's being *Bound to preserve the Church of Scotland*, &c. is not to the purpose; nor what he says, of Allegiance to the Queen, since in it no such Reference was made, as in the *Oath of Abjuration*, which hath not the least shadow of Reference to the Preservation of the said Church; and I very much doubt, if the *English* would have allow'd any such Reference, ey'n if we had been so just to our Selves, as to desire it; not to insist on what many judge as to the Illimitated Expressions in the Allegiance, and the Queen's joining in Communion with the Church of *England*, which he mentions; and the *επιεκτικα* the Takers of it obtain'd from the Government; as also the Diversity of Circumstances notic'd before. But he presently forgets himself there, and in the Top of *Pag. 17.* When he argues, from

from the Provisions being entirely the Successor's Concern, to their Exclusion from the *Abjuration*, tho' he grants it takes in the Entail : Upon which I propose this *Query*; Whether or not one is guilty, who swears to bring a Successor into that Condition of performing Tyes, contrary the Swearer's Principles ?

What he says, Page 17 and 18. against the Pretender's having any Right whatsoever, is so far from removing the Doubt, anent the Words about it in the Oath, that it encreaseth the same. For 1. He makes them to deny his having any manner of Right, which can't be known, and consequently can't be Sworn with Judgment. 2. Its a great Controversie among Lawyers, *Whether or not the Forfeiture or Abdication of a King, excludes his Children from the Crown?* Which heightens the Scrouple, it being Safest to forbear what's Intricate and Doubtful; especially considering that they determine it in the Negative, where the Succession is Lineal. Which is confirm'd, 3. From the Parliament's bringing Queen Mary and Q. Anne to the Throne, notwithstanding of their Father's Abdication or Forfeiture : And that the Law usually cuts off all the Children of other Forfeited Persons or Fathers, from their whole Estate. 4. Its granted by all, and it cannot be deny'd, That the Parliament hath shew'd a Special Regard, in all their Elections and Nominations of Successors, since the *Revolution*, to Proximity in Blood to our Royal Line, as a Foundation of Right ; according to the Author of the *Oath consider'd*, Pag. 6. Which being so, how can any of a Tender Conscience Swear, That the Pretender hath not any Right whatsoever, while his Blood-right may remain, for what we can know. Wherefore upon the whole, and what this Author says in the Top of Pag. 19. Its plain, That the Oath had been more Liquid and cleār as to this part of it, if it had been subjoin'd, *He being educat Popish.*

From Page 19. to 22. He Dictats and Repeats only, That the Provisions are not brought into the Oath without proof, and no way takes off what was advanced against the Oath ; as will appear to any, who considers what he says.

In Page 22 he mistakes, when he says, the only qualification required for the Succession to the Crown is, that the Successor be a Protestant ; for his not Marrying a Papist, is another by the second Act. See *Essay* Page 13, 14. *Remarks upon the Display* Page 27. By which you may see the Jurants at odds among themselves. Then he Reflects, *ibid*: on all that say, the Provisions affect the Oath, as to a second Judgement, in points of Conscience ; to which I return the *Query*, whether the Jurants or Non jurants neglect most a second Judgement in matters of Conscience, the former using such Precisions, Distinctions, and Evasions ; as are not only without Law, but without all precedents in the weighty point of an Oath ? The Latter being against the same, because *non distinguendum est, ubi lex non distinguit* ; and such

Such Abstractions can never be safely used, where Conscience is concerned, as here.

Pag. 23. He only says, *That Words without Equivocation, &c. are requisite in all Oaths*; which is nothing like an Answer to the Argument drawn therefrom, against the Oath, as any, who reads the Authors against it, will easily own.

Pag. 24, and 25. He repeats his old Cant of Limitations and Provisions being quite different, and says, as before, *That the Provisions are only to take Place after the Entail takes Effect, &c.* To which the Author of the *Essay* answers well, pag. 6. But besides I add, Its a Mistake in this Author and others, who trace his Footsteps, to think, That the Provisions affect not the Succession sworn to; because they take Effect, only when the Successor comes to the Throne, and are distinct, as he speaks, from the Entail: For 1. If he dispone his Estate to his Son, with these different Burthens, That he Pay such Sums to the Children of his second Marriage, and pay his Debts in case he have any at his Death; Will any Man say, that these Provisions affect not his Son, because they are different, seeing they were made with an express design to oblige him? Or that he is free from the last, because it differs from the first; or is mentioned in the Disposition not immediatly after the first? or with such a word, as further, providing his Son pay such Sums &c? 2. This Author cou'd not but know, that Lawyers ordinarily Distinguish betwixt Conditions, or their Obligation, which commences with the Right, to which they're appended at their first making, and the time of their fulfilment, and treats of them separatly. I might cite several Eminent Lawyers expressly providing, if it were not to carry Coals to New-Castle, with respect to this great Author, *Conditionalis stipulatio ex praesenti vires accipit, obligatio non est Suspenfa, nec spes Obligationis sed ante Conditionis Præstationem nascitur.* 3. Will the Sticklers for the Will, say, that because several things Stipulated by it, were not to take effect, till seven Years expir'd, therefore it did not commence or had no Obligatory force on us before? I believe they can't say it, for *conditio conventioni adjecta, Obligationem & spem Obligationis non differt.*

Pag. 25. He says, *This Oath goes further, and that upon the very Ground of the Allegiance, &c.* To which I oppone, 1. What many Jurants say, *That this Oath is imply'd in the Allegiance:* So much do they interfier with one another. 2. He adduces no Proof of it, unless we take his bare Assertion for it. 3. Supposing it did go further, as I'm inclin'd to think; yet this lays nothing for, but against the Repetition of the Allegiance in it. 4. I want to know, how swearing *de praesenti*, as Jurants speak, consists with his going further.

Pag. 26. He tells us, *That the Parliament's Declaration of their Freedom to alter the Succession, &c, is no Argument against this Oath;* whereas no Man

( 9 )

Man ( to keep his own Simile ) will swear to a Bride, whose Father declares himself free to choose another.

Pag. 26. He says, *The Oath being enacted, must be taken*: To which I answer, either it was a Duty before it was enacted, or not; if a Duty before, then the enacting of it made it not Duty: If it was no Duty, no humane Authority cou'd make it Duty, as we may hear more fully afterwards: So that he did well to add, *It should be taken if lawful and righteous*; especially if he had proven it to be such; but yet the Apostle tells him, *That all lawful, or righteous things, are not expedient*.

To what he says, pag. 27, anent the protestant Succession, I oppone what he says pag. 28, *We should unite in Truth and Righteousness*. 2. If there was need, as he pleads, for our harmonious going into this Oath, Why was it not adapted to our Principles and Circumstances? which not being done, we're excus'd before the World, at the Hands of the Protestant Successor, and of all Friends, for not taking it; especially seing we've given such Proofs otherwise of our Zeal for the Protestant Succession, by Prayer, Declarations, and the like.

Seing, as he grants, pag. 28, *Schism or a Breach, to be at present pernicious, these, who were clear for the Oath, should have forborn to take it, for Unity's sake*: For all will grant, *That a Positive Duty, as the Jurants speak, is not to be perform'd at all Times; and especially when it occasions, or causes a Rupture, it should be delay'd*: Whereas these, who scrupled at the Oath, cou'd not take it, while their Scruples remain'd, without sinning against their own Consciences; which at no time is allowable. See *Essay pag. 30. 31.*

I wish what he says, pag. 28. 29. anent the Duty of *Clear Brethren to the Scrupulous*, were more observed, for the Gospel's sake, and the Peace of this Church, tho' his Advice shou'd have run in a more Evangelick Strain: Then the Jurants wou'd not reproach and despise the Retusants, as weak silly men: As to which, I shall make no Retorsion, but only repeat the Animadversion of a Judicious Gentleman, Viz. *That none had taken the Abjuration; but packy and weak Men.*

Having noticed what was most plausible in this great Author, for whom I've a peculiar Veneration, particularly for his good Service to our Interest, and for whose Death, since this was written, I'm very sorry: I shall study the more Brevity in what follows; because, as judicious Readers have observed, He laid the Ground-work, on which the rest superstruct their Enlargements and Stretches; and therefore submits to the Impartial Verdict of sensible Judges, whether their Edifice does not fall, its Foundation, being subverted; and if this Pamphlet should not been more truly entitled, *The Oath of Abjuration set in its twilight*.

## S E C T I O N . II.

## Containing Answers to the Letter anent the Oath of Abjuration.

**P**ag. 1. He insinuates a Falshood. viz. That the Scruples against the Oath, were raised and spred with great Industry; whereas the Scruplers took great Pains only to have their Scruples remov'd; which was not done by all that was raised and spred with more Industry and Art, in Favours of the Oath; of which the early Prints and their Multitude are no small documents; and its not doubted, if what he alledges against the Scruplers had been true, but these Prints had got less Reception.

**P**ag. 2. He speaks out in moe Words, what the former Author had insinuate anent the determining of the Limitations, by which he understands the Death of the then King, and present Queen, without Heirs: Whereas in the Series, and Intent of the Act, it implies, That upon their Demise, the Provisions enacted by the *Bill of Rights*, and other Laws in *England*, would be ineffectual or not performed; for if the Persons Die, who were obliged to perform such and such Limitations or Conditions; the great Design of enacting these is frustrate, and at least stopt, till some fit persons be agreed on for performing of them; even as when I make some Bargain or Conditions with another, when he dyes, I may very properly say, My Bargain's expired, or at an End; tho' I be resolved to redintegrate, or continue the same, or to superadd thereto, with some other Person I think fit, which is enforc'd from this, that these Conditions and Provisions, tho' still unrepeal'd, can't be fulfil'd, but by some fit Persons, who will undertake their Performance, these Persons being the only proper Means for rendering the Conditions effectual; which was the great End, for which they were made and enacted: This is so plain, that its a Wonder how any Rational Man can offer such an Evaſion, as this Author here makes.

**P**ag. 3. He labours to involve the Non-jurors in an Inconsistency, betwixt their owning of the Revolution and their Refusal of this Oath: Out of which they may easily extricate themselves, by telling him, That altho' they're for the Revolution and against the *Pretender*; as much as he or any Man can wish; yet they're unclear to take this Oath, and particularly as to the *Pretender*; because it wants what annuls his Right according to *Revolution Principles*, viz. His being Popish: For I hope this Author will not say, that

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that its agreeable to them to abjure him absolutly, lest he contradict the Author of the Dialogue. Pag. 40.

After this he spends more than his 4th Page in Enumerating of four safe senses, as he thinks of the Particle *AS* and their Illustrations, *viz.* Its redundancy, and being Equivalent to *Because* or *Seeing*, and which ; whence he inters that an hurtful and choaking sense of it, amidst such variety of Acceptations should be avoided ; and that his Native freedom warrants him to take this Particle *AS* in that sense that comports with his known Principles, and the World will understand him so, &c. On which I need not dwell long, in respect that it exposes his Candor very much for't. He owns it amounts to no more than that *AS* may be taken otherwise than in a Reduplicative sense *Page 5.* 2. Supposing that *AS* admits of several senses, as the Authors of the Oath considered *Page 14.* and of the Dialogue *Page 53.* in Imitation of the former Author ; yet this variety makes against this part of the Oath, unless they prove it to have one fixt and safe sense here ; which this Author owns he hath not as yet done. 3. The World can never understand, as a little Time hath discovered already, how he may safely take the Oath in a sense as agreeing with his Principles, when the Legislative tells him in express words, that this Oath was Enacted and Contriv'd at first, not only for the preservation of the Protestant Religion ; but for the maintinance of the Church of *England* as by Law Establish'd, which is contrary to his Principles, if he be a Presbyterian, as I shall not doubt of it. and this is irrefragably evict'd from what he says *Page 5.* Unless the Imposers, either in the Oath it self or otherwise intimate a contrary sense of it to me. 4. The weight of the Argument against this Oath is not only laid upon the Particle *AS* ( tho' it might be so very safelly, such particles being the most material and significant parts of Language, yea and the most Essential too, as *Philologists* have observed ) but on the whole Reference as its worded and circumstantiat in the Oath, as is clear from what hath been said. 5. according to this reasoning he can't, if consistent with himself explain the Oath ; or approve of the Declaration many have already made, and he may take the Oath of Supremacy, if it be imposed ; for Presbyterians own a Civil Supremacy in the Soveraign as very consistent with their Principles ; or any other Oath may be taken by this Author, however so ambiguous or Equivocal, providing he can find a sense of it, that comports with his Principles. 6. Reason and Conscience say, that beside the weighing of the Matter and end of the Oath, and the common Sentiments of the Imposers and takers ( which last Expression of his is very ambiguous, and gives Umbrage to many ; but I may not stay to Dissect it ) the Phrales, words, and the Connexion, being the immediate Vehicles of its sense, and the Design of the Lawgiver shou'd be consider'd ; which if fully and without Byass ponder'd, wou'd have kept him from reflecting on others

for their aversion to this very Exceptionable Oath. 7. His Native freedom as a Man or Christian ( not to expose it as very harsh and unscriptural ) to understand the Oath, as said before, is without all Warrant; For I doubt very much if he or any for him find it among all the branches of Christian Liberty; and its contrary to the very end of Oaths and words both, which is to Communicate our Thoughts, and to give security of our honest Intentions; but this can never be said to be done, at least sincerely, when we do not answer the express Designs of the Legislative imposing an Oath on us for that effect! That its a part of his Civil Liberty, I'm perswaded he can produce no Law or Custom, at least in Scotland among Conscientious Men; and I think he'll find no Sanctuary under an Intrinsick Quality in Oaths, as probation, or an Extrinsick Quality, as a Defence, which the Lords admit of, as they see cause; wherefore what he says ( and he but avers, to use his own word, without proof ) according to the usual Distinction of Liberty, must be a piece of his corrupt Natural freedom; which, with the Concession of all that feel it, hath a strong servile proneness to lie and prevaricate for Self preservation; so that Grace only can retrive from its powerful influence to equivocate, even in an Oath, from which how to Assuage this Author, I know not, when to keep in with his Principles, he'll remove from the Oath he takes, the Design of its Imposers, tho' directly contrary thereto.

I need not stay upon his Information, *ibid:* against the Reduplicative Sense of the reference, seeing as we have heard already, a more probable account is given by the Eye and Ear Witnesses to the contrary; which sufficiently obviates his first Argument, *Pag. 6.* 7. taken from the Expunging of the word *Limited*, and the inserting of the word *Entail'd*; which is made up, as the unbyassed Reader will easily observe, of Precarious Stories and Allegations, without any Document, tho' he pretends to have Attestations from Members of Parliament. For, 1. Its plain already, that the words *Limited* and *Entail'd* are the same from the Concessions of this, the former Author and the Vindication of the Jurants, so that here he forgets himself. 2. Its likewise clear from all the Reasonings against this Oath, that the only difficulty was not as to the word *Limited*; wherefore he misrepresents matters of Fact here. 3. If the *English* had been so ready to give ease to the Scrupulous, to use his own word, as he Insinuates, why might not the whole reference been cancel'd; seeing with the Concession of all, ev'n the Jurants, the Oath was full and intire en ough, asto the Protestant Succession without it. 4. Its credibly informed, that the clear Brethren at the time he speaks of, hinder'd a full Representation of the most weighty Scruples, when Friends in Parliament wrote for them; so that the want of a sufficient and effectual relief lies at their Door chiefly.

His second Argument against the Reduplication of *AS*, taken from the repealing

repealing of the two provisions he there mentions ; from which he raises, as he thinks, a formidable attack upon the *Nonjurors* as charging by their reasonings the Parliament with Deliberate Perjury &c. But this to be utterly in consequential is evident to any, who considers that according to former Authors, Temporary Rights, so long as they subsist, may be ascertained upon the Oath ; in consequence of which, it can be no Absurdity to say that the Oath took in these Temporary Provisions, the Parliament having Enacted them as then just and expedient in the Acts referred to by the Oath ; tho' on second Thoughts they repeal'd them; from which, as he really does *Page 12*, he shou'd distinguish the provisions that are essential to, and necessarily inseparable from the Constitution of *English Monarchy* ; Such as their Hierarchy is own'd to be, the security of which yet stands unre-scind'd in the foresaid Acts, viz. The Successors joining in Communion with the Church of *England*, as is clear from one of the provisions, That *all Laws or Statutes in Force at the Successor's coming to the Throne, shall be ratified*. Whence it follows undenyably, that they intend not to alter all the Provisions, to which this Reference in the Oath must still look in pursuance of them ; So that any Body may see his Argument to be a meer Fallacy, like this, because two Men are gone out of the Company they were in ; Therefore the whole Company is removed ; tho' Ocular inspection convinces us that the company sits still, where they were.

His 3d, Argument *Page 8*, brought from Mens repeating the same Story in substance, tho' using different words, Particles and Phrases ; and his Resumption of what the former Author had laid as to the words of the last Scots Parliament, viz. Princes *Sophia &c.* on whom the Crown is settled, &c. In the second Article of the *Union* is great untenderness and a mistake, as if there were no Difference betwixt a common Story, the substance of which any Body may safely tell in's own Dialect, and the words of an Oath, which is Sacred and carries in them the Design of its Imposers; and must be faithfully repeated : I would ask this Author, if interpreters are in the Right who expound or understand the Evangelist *Luke's* general Narrative of *Peter's* denying his Master without Cursing or Swearing, as not exclusive of *Matthew* and *Mark's* more full and particular Account thereof with cursing ; which if he yield, as he must do, or else go against Reason, and the Faith of what these two Evangelists say, then the forecited words of the *Scots Parliament* are no Candid or just Commentary, being general, upon the Reference in the Oath, and the *English Acts*, which are more full and particular.

His 4. Argument *Pag. 8. 9.* taken from the two Nations having their reserv'd Rights unalterably secur'd by the *Union* as to Church matters ; and how truly he here speaks, let the Toleration and the Prints against it declare ; which is so far from helping him, that it makes against him, being the same with

with this, because a solemn Transaction is agreed to, determining to each Nation their separate Rights; therefore it can't be infring'd, even when the ones Rights are heavily retrencht, and an Oath is laid upon that People, containing an express reference to Acts, in which the Rights of the other Nation are extended, and particularly secured; notwithstanding that this security and reference is contrary to the Principles of these, on whom the Oath is imposed, as the Commission in one of their Addresses to the last Sooē Parliament, declar'd and expressly shew'd that the said Parliament ought not to allow or consent to the *Engl. sh.* Parliament their providing for the security of their Church, as they saw Expedient: And Besides its plain without a stretch, from this Author's words here, that because of our reserved Rights, we can't be required to Swear to the security of the Church of *England*, which is loose Reasoning; or if we should Swear so, its not inconsistent with the Union or our Principles, which indeed too many think, tho' without Reason, as we may hear afterwards.

Then Pag. 9. After a Reflection on Nonjurants, their Reasoning Faculty not being so clear, &c. He proposes other two Arguments against the Reduplication of the reference, the first of which is no better than a meer Repetition of his forgoing second Argument, amounting to this much, that the Parliament must be Guilty of Perjury, as often as they alter or annul any *Engl. sh.* Statute, &c. which follows not. Because; 1. The Confirmation of Laws by the Successor when he comes to the Throne, is to be understood of such as are Fundamental, and for the Interest and Advantage of Church and State, to which all Laws are Level'd; but this can never be alledged of what Statutes the Parliament repeals, according to his own arguing. Its clear from the Act first appointing this Oath, *That all Laws or Statutes of Publick Utility, are design'd to be preserv'd inviolable.* 3. This Author grants the Permanency of the Government, Pag. 12. So that the Parliament is not perjur'd, if they repeal such Circumstantial Acts, that are not for the Behoof of the Nation: But if they rescind what affects the Civil and Ecclesiastick Constitution, this Oath-takers ought to look to that; being concern'd, not only on the Account of the Reference, but of other Words in it, which are confessed to relate to the *English* Monarchy.

His secon argument taken from the impossibility of Understanding all the *English* Laws, if the Oath refer'd to the foresaid provision, viz. The Retification of all Laws in Force, when the Successor comes to the Throne is a Reflection on the *English* as making Laws, which could not be understood and Militates against his taking of the Oath, being also a Contradiction to the former Author who tells him, Pag. 22. That tho' we understood not some of these Acts at first; yet we are come to a perfect Knowledge of them; and to the Author of the Remarks on the *Display*, Pag. 15. who says, one may Swear that such a Gentleman hath a Right to's Orchards, Parks,

&c.

¶. Without determining a particular controversy betwixt him and his Neighbours, &c. Or which is exactly the same, one may Swear to a Successor, who is required to Govern according to English Laws in Force, when he mounts the Throne generally Speaking, without a special survey of and acquaintance with these Laws; for either they Swear to the Succession, as Lyable to Govern according to the Laws foresaid or not; if not, then they Swear to it very absolutely; which the foresight and Caution of the English, and their very Acts referred to forbids any Rational Man to think. In the former, I cannot see how the takers of this Oath are unconcern'd about these Laws, whether they understood them or not; to pass, that this Argument, if of any force at all, makes against high Church Swearing in a Reduplicative Sense, which yet on this score they can't disclaim.

Then Pag. 10. He infers from the Words in the Oath, *all these things I swear according to these express Words by me spoken*, that the Provisions not being express are not Sworn to; as if the express Words of the reference to these Acts, which contain the Provisions, where not in the Oath, yea, so inconsistent is he that according to this, his Incapacities of the Successor Pag. 12, which he says there are necessarily understood, can't be included in this Oath.

After this in Pag. 10. He allows a twofold Reduplication, one upon the Persons, another upon their being Protestants, in Paraphrase of this part of the Oath; which helps not the Matter, being a meer Transposal of the Words and Sentences, as the impartial Reader will perceive: But here one might ask, If AS reduplicates upon the Persons, which he grants, why not upon all their Legal Qualifications? And if upon one of these, why not upon them all, seeing he once and again yielded, *That if one of them be included in the Oath, they must be all taken in?* Especially, when the Oath refers to Acts containing them all: And if there be a Reduplication upon such Protestant Persons, which, by what he granted, he can't deny; then its either upon them, as such a Protestant Family in Germany next in Blood to the English Crown; and if so, it must take in their Hereditary Right, which can't be alledged by these who disown this Kind of Right: Or upon them, as such Protestants nominate by the Parliament, and thus it takes in the Provisions enacted for them in Law; for these only are a Security to the Civil and Ecclesiastick Rights of England.

What he says pag. 11, anent the Successor *in petitorio & possessorio, &c.* is so well answer'd by the Author of the *Essay*, pag. 14, 15. That I need not stay upon it, especially when its a meer Assertion destitute of any Proof, and nice Subtilty, a Precision justly misregarded by all Men of Tenderness in common Transactions; for one not fond of Evasions would think, That if a Person be bound by Oath to own such a Successor's Acclaiming of the Crown, and to bring him to the Throne; he's thereupon oblig'd to defend

Send him in's Possession of it, while he hath not forfeited his Right; and seeing he that will eth the End, willeth the Means, &c contra, it followeth, that he who swears to bring the Successor to the Throne is justly supposed to Swear to's defence and Government according to Law, as is manifest from this supposition, in case any Pretender with an Army should come to Dethrone Hannover at's first Accession to the Crown, before the Oath of Allegiance were demanded or taken, can any think, that the Swearers of this Abjuration might safely stand neutral upon this pretence, *That their Obligation by the said Oath was now los'd?* Its easie to foresee what wou'd be the Sentiments of the Christian World as to such Neutrality.

What he speaks anent the Coronation Oath, pag. 11, 12. is nothing to the Purpose, unless the Parliament had expressly declar'd so much, viz. *That this, or any other Oath imposed, or to be imposed upon the Subjects in Scotland, or England only respected their several reserv'd Rights:* But this not being done, nor the Scot Right so well secured as the English, to which there's a Reference in this Oath, it follows what he lays anent any conscientious Presbyterian, or Episcopalian their Incapacity to take any Oath, is so well grounded, that it militates against the Union, as ingulfing Men in the depth of Contradiction to their Principles, or at least is contrary to the Solemn League, even on Supposition it were as he would have it there; which makes more against the Oath than he was aware, being the same on the Matter with the former Author, pag. 15, 16, and his own fourth Argument.

I only notice further, That in pag. 11. he contradicts himself, and the Author of the Oath considered, pag. 1. When he tells us, with him, *That our Allegiance to the Sovereign will be requir'd, he being in the actual Exercise of the Government, before he swear the Coronation Oath:* And yet within a few lines thereafter, he says, *The Sovereign being obliged by the said Oath, to govern the Subjects according to Law, ( which presuppose his taking of it ) the Subjects are bound to swear allegiance &c.*

Pag. 12. He no way takes off what is argued against the Oath, on the Account of its binding the Swearer to the Protestant Successor, be or do what else he will; this being the only Quality, as some Jurors say, requir'd of him in the Oath; for he only tells us, *That he is freed from his Oath; if the Successor turn fatuous, or tyrannical, or marry a Papist;* and these are supposed, or understood in this Oath; Whence its plain, That he having granted, *If some of the Conditions, or Provisions be brought into the Oath, they are all included,* pag. 9. According to him they are all comprehended in the Oath; and so he hath destroyed his own Cause; when he grants some of the Provisions to be understood, which are not express'd in the Oath, the expressing of which, would have been more Integrity, and prevented the tacit Exceptions of others, and perhaps a Civil War.

## SECTION

## SECTION III.

*Containing Answers to the Oath Considered.*

Passing his Preface, *Page 2. 3.* as being Obviate from what was formerly said, especially because it plainly infers against his purpose, that if this Oath was necessary for the Safety of the Protestant Religion and Succession, it ought to have been so Modell'd and fram'd, as all, who wish'd well thereto, might without any Hesitation go into it, which not being done, his *seeming*, and the Author of the Oath *set in its true Light*, his visible Necessity evanishes, it being granted, that Enemies to the foresaid Succession had taken this Oath; And that it came to us with many Disadvantages; with which I can't reconcile what he says of it, as being this Churches only advantage, when every Body knows it was in the Parliament's Power to cut off this pretended advantage by some new clogg; So that all he says here, proceeds upon a great mistake, *viz.* Because Friends had a good Design in imposing this Oath on us, therefore this Oath can't be scrupled at it; Whereas he shou'd have minded that good Intentions ( which Protestants teach against Papists very solidly ) will not Legitimate Actions, according to that known saying, *Malum est ex quolibet defectu; sed bonum non oritur nisi ex integris causis:* Especially considering, That our Friends in Parliament cou'd not procure that Relief, or Ease to us anent this Oath, as might reach or answer their good Design.

What he lays anent the Authority imposing this Oath, that it must be subjected to, and *Page 4.* of the Command of Lawful Authority making this Oath a necessary Duty, is a piece of dangerous and unsound Divinity. For 1. The contrary is taught by many able Orthodox Casuists, as might be cleared at great length, if Time, and the design'd brevity of these Answers wou'd allow, for things become necessary from their Nature, Utility and Circumstances, previously to the Civil Command: Tho' Saul commanded the People to pursue the Philistines, forbade them to eat; yea, to eat, yea, impos'd an Oath upon them for that end; Yet to fast, to pursue their Enemies, and their obeying of that Oath, was no necessary Duty, but their sin in these Circumstances, which made it a Duty in them to have refresh'd themselves, and desisted a while from the Pursuit. Whence some think that the requiring of an Oath in this case was sinful. 2. At this Rate the Supream Powers may pretend with the Pope, to change the Nature of Things, and the English Ceremonies may be made necessary for us, they being inaifferant, if we'll believe some of their greatest Advocates; and Eleazar was in the wrong, which I never read, nor heard, for scruppling

ling to swear to's Master *Abraham*, till he explained the Oath : And none can say it, the Context youching the contrary. 3. Many condemn frequent swearing in the cases he mentions, for pregnant Reasons too many to be here enumerate ; particularly because, as the Author of the Oath set in its true Light, says Pag. 7. *The multiplying of Oaths bath, with great reason, been complain'd of ; and consequently, it should be forborn.* 4. Swearing often at the Magistrat's Command, as many think, being culpable and sinful, especially where the same Oath is sworn ; the Swearer becomes guilty, because he's not a meer passive Instrument, but a Rational Agent, who should see with his own Eyes and not of another ; and having a Judgment in Discretion, in less or more, to secure him against Implicit Faith and Obedience, he ought thereby to direct all his Actions ; and no Human Power can absolve him from guilt against GOD, which he contracts by Swearing unnecessarily at the Magistrat's pleasure ; according to these known Rules, anent partaking in the Fruits of others :

*Fusio, Concilium, Consensus, Palpo, Recursus,*  
*Participans, nutans, non obstante, non manifestans.*

which takes off also what the Dialogue hath to the same purpose, Pag. 14. of very hurtful Tendency in this Corrupt Age. 5. Its plain from the Scriptures, cited to prove that Noted Saying in the *Confession of Faith*, Chap. 22. *It's a Sin to refuse a Lawful Oath, &c.* That there was a Visible Necessity for Swearing, anterior to the Requisition of the Oath, which the words *Good and Just*, undenyably demonstrates. 6. The whole of this Author's Reasonings, anent the Dutiful Necessity of a Thing by Virtue of the Magistrat's Command, in which, as is observ'd already, others for this Oath trice him, being either a meer Excerpt from, or the same upon the Matter, with what many *Civilians* and *State Polititians* teach, are strongly Enervate and Expos'd by a *Grotius de jure belli et pacis*, Ed. Nov. with his own Notes from Pag. 417. to Pag. 424. where he adduces Scripture Reasons, and many Laudable Examples of Christians ; Jews and Pagans, to prove, that in doubtful cases, or where Subjects hesitate, they ought not to obey the Commands of Civil Powers, For which I must for brevitys sake remit to the Reader, referring likewise to his Judgement, if what this Author says, does not open a Door to Tyranny and Arbitrary Power.

Since he makes the swearing of the Queen's Right, pag. 5. only an *Oath of Credulity, or Opinion ; and not of Verity* : He calls things loose, contrary to the Nature of such Oaths, as are of Verity, as this ; Her Right really existing before his Belief, or Oath of it ; and it bath no Words, but what make for its being an Oath of Verity, principally, as warranting his Belief, viz. in *Conscience, before GOD and the World, That Queen Anne is rightful and lawful Sovereign, &c.* What Complement is this, to say, *That this Right stands upon his Belief, which being variable, may be soon laid aside upon*

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upon new pretended grounds ? is not this to encourage Enemies to swear, and soon to renounce it ? 2. Every one is concern'd to own and maintain her Right against a Papist indeed ; but this Concern infers not a Necessity to Swear it in the Terms of this Oath, it being already sworn upon the Matter in the Allegiance ; otherways whatever one is concern'd in, he's oblig'd to swear, which none can say without the greatest Absurdity. 3. His saying, *That the Queen's Right is only Parliamentary, when he owns the Parliament's peculiar Regard to the next Protestant in the Royal Line,* is so far from removing the Difficulty, that it increases the same, bring many on this very Ground, judge *Her Right to be mixt, that is, partly Hereditary, partly Parliamentary, or Elective.* 4. Its not fair to insinuate, *That the Norjurants doubt of her Right, while they've given many Proofs to the contrary, and only scruple to swear it in the Terms of this Oath, for many Reasons already assign'd, to which may be added.* 1. To swear this Right so indefinitely, and in such general Terms, can be no Security to *Revolution Principles*, particularly, *That of the Parliament's Power to settle the Crown;* which is pretend'd to be one great End of this Oath : For when one swears *Queen Anne, to be rightful and lawful Sovereign, &c.* He swears no more to a *Parliamentary Right*, than to *Hereditary Right*, which the foreaid Words equally include, as a *Genus* comprehends all its *Species* and *Abstracts* from them ; and thus its calculat ( tho' not intentionally perhaps ) for Enemies, who no doubt have taken it on this Score, as well as for Friends. 2. Its scarcely Fair Dealing to swear this Right, tho' very good, in the foreaid Terms ; and yet to understand it of a *Parliamentary Right*, when others, who swear this, means it of, and crys up *Her Hereditary Right* : Wherefore it was necessary that some Clause had been added here, declaring the Special Nature of this Right, as a Check upon Enemies, and for preventing of Different Senses and Calumnies of Perjury ; which every honest Man would carefully avoid. 3. The Swearer of this Right, as its phras'd in the Oath, is requir'd to believe in's Conscience before *GOD and the World, an Hereditary Right*, if he be for it ; the Reverse of which, one for a *Parliamentary Right*, is obliged to believe in's Conscience before *GOD and the World*, which is very dreadful : see Dialogue pag. 35. 4. These Words, *this Realm annex'd to the Words of the fore-said Right*, being designedly and expressly appointed by the Union Treaty, to signify in all Time coming *the Kingdom of Great Britain, as made one by the Union* : None can swear to this Right except they swear to the Union, which none can do, who duly regard the Religious & Civil Rights of their native Country. I may not stay to shew, that many things, as every Body knows, induce a Belief or Opinion, to speak in this Author's Words and Sense, which will not warrant an Oath : as for instance, I may believe the Sun's Body, or a Part of it, to be seen all the Night in the Twilight of June, upon the Hill of Ronaldus, or Ron's Hill in Zetland, as its storied by some, and much

more to this Purpose ; yet I durst not swear it, for fear of Mistake ; and because others write the contrary with greater Probability ; which overthrows his Argument from a Belief of a thing for the Lawfulness and Necessity of swearing it : Its true, some Jurants are known to own, that they may lawfully swear any thing they believe, even every day, if the Magistrate require them so to do, and they be in a good Frame ; but as this is a new Opinion, for what I know, and very dangerous, as appears from what is said before ; so no Rule to others, who can't come at their large Belief and Readiness to seal it upon Oath.

What he says page 5. 6. anent swearing the *Pretender* to have no Right whatsoever, is of no force ; Seeing according to himself, Proximity in Blood is a foundation of a Right or a Fundamental Right ; which, for what he or any taker of the Oath knows, the *Pretender* may have ; and the Parliament's Nomination, being, as he speaks, a compleat Right, the words in the Oath shou'd be, *he hath not any compleat Right* : But this being considered already, I propose only, upon what he says, these Doubts ; Whether these words in the Oath, *bath not any Right whatsoever*, be more comprehensive than these, *he hath no Right at all* ? Or if they mean, *hath no sort of Right* ? If the foresaid words in the Oath as opposite to the Queen's Right, does insinuate that she hath moe Rights than one ? If this method of swearing for or against Persons, in such Illimited Expressions and absolute Terms, does not pave the way for a Parliament, to make or unmake Kings at their own pleasure, without regard to the Word of God, and the Fundamental wholesome Laws of the Kingdom ?

What he says Pag. 7. Anent Abjuring Allegiance to the *Pretender*. &c. is plain from what was formerly advanced. 1. A restricted gloss of his own beside his Text, which runs in as general, Indefinit, and Unlimited Expressions, as ever any Sentence did ; and favours of a bold dallving with the design of the Oath ; and in a word makes it of no use to *Hannover* ; it being Sworn in vain if it bind not the Swearer what in him lies, to Perpetuate, Queen and *Hannover*'s Right, so long as they do not forfeit the same, against all Pretenders or Usurpers. 2. If the design of this Oath be only to Discriminate us from *Jacobites*, it was needless ; we being openly and really Contradistinct from them by our known Principles, which we see no Ground to forsake ; and by what we have already done and daily do, in favour of the Queen and *Hannover*. 3. *Jacobites* having taken the Oath, I cannot see how this End of the Oath, to put a difference betwixt them and the other Takers of it, is obtain'd. From all which its plain, that his Grounds for imposing, and his ends for taking of this Oath fall together.

Pag. 8. He confirms against his Will, the Argument brought from the Variableness of Laws, as to *Treasons and Conspiracies*, against this Oath ; when he grants, *Ministers can't know or understand all the Laws yet in force*

*anent*

*anent Treasons, &c. as to the defending of the Queen and her Successors, &c.* Its very material, that this is illimit'd in the Oath ; whereas our Reformers specified expressly, their Duty of defending their Sovereigns, viz. In their *Conservation of Religion, Rights and Liberties.* And if it be said, This is understood : I answer, Why was it not expressed in Imitation of their Integrity ? Or, may not one suppose the Conditions or Provisions contain'd in the Acts referred to by the Oath, to be understood as a part of the Oath, on the same Reason. Besides, his restricting the Discovery of Conspiracies, to such as we know and understand particularly to be such, is groundless, being *Ignorantia Juris excusat neminem :* And if we disclose them not, when others present knows them, we come presently under the Blurr of Ignorance and Perjury, which every Honest Man would gladly shun. And according to this Author, there could be no *Mispriision of Treason, Law Suit, or Punishment* for it ; against which it defends not, for what I can find, tu alledge we understood not Treason.

Upon what he says, Pag. 9. Anent the Parliament of England their Declaration of the Succession to be alterable, &c. I propose the following Querries. 1. If the declaring of One's Right to be alterable by thele, who had given it, can in Reason and Common Equity, be construed to tend to the Confirmation of that Right ? 2. If such a Right can be justly declar'd Alterable, without any Cause or Grounds for it, on the Part of these to whom it pertains ? Consequently, 3. If the Altering of it would not be an Injury to Hannover, he being the next Protestant in Our Royal Line ? 4. If such a Declaration does not natively tend to weaken Hannover's Friends, and strengthen his Enemies, especially considering the Timing of it ? 5. If, and how far, such a Declaration is consistent with the Design of this Oath, which is said to secure his Right ? 6. If the present Aspect of Affairs does not look like a Design of Altering it indeed, and Transferring the same upon the P — r. 7. Is Hannover's Right unalterable by the Union, when some of the Rights of the Church of Scotland, secured by it, are actually altered and taken from her ? And none, but the British Parliament can tell, how much is wrapt up in the Bosom of the Union Treaty, that the said Parliament may make what Alterations or Regulations, they find to conduce for the greater Good of the whole Island ? How does this Author know the Design of the Legislative as to this Matter, when the Scene is strangely altered, and he hath no where intimate the same ? so I hope he'll not think this should be Sworn, because of his bare Information, or Naked Conjecture.

Pag. 10. He only represents the Arguments of some for the Proviso's being included in the Oath ; to which, if he had pleas'd, he might have added more from what was reason'd upon at the Assembly.

Pags. 11, 12. He advances four Arguments to prove, That the Conditions of Government, as some calls them ; or the Legal Qualifications of the Successor,

cessor, as others term them ; particularly, the *Coronation Oath* comes not into the *Abjuration* by the Reference : The first of which amounts to this, that the Oath of Coronation is no Condition of the *Entail*, and hath no Irritant Clause, as that of the Successor's marrying a Papist. His second is taken from the Sovereign's taking of the foreaid Oath, ordinarily after his Accession to the Throne, and perhaps ( so diffident is he ) after the Subjects have sworn their Allegiance. His third is drawn from the Successor's being obliged by the *Union*, to take the *Scots Coronation Oath*. And his fourth, stands upon the Necessity of our Consent to the *English Constitutions Civil and Ecclesiastick*, as he argues ; least by our Aversion thereto, the Successor be encourag'd to make Inroads without Law, upon their and our Rights both : All which, tho' he hath them in different words, being little remote from what the former Authors had ; I shall subjoin these few Answers to them *in cumulo*.

1. I can't find, That the Acts or Law Distinguishes betwixt the conditions of Entail in the Jarants Sense, and the Provisions of Government, or legal Qualifications of the Successor, call them as you please ; therefore he ought not to devise this Distinction without Law, especially when he brings no proof of it therefrom that I can find ; which to be very groundless, is to me clear, from the Words we heard before, out of the Act that first enjoyn'd this Abjuration. 2. The Design of this Oath is confess'dly to bring the Successor to the Throne, to preserve the *English Rights* ; and among thete the *Rights of Bishops* : In Contemplation and Prospeet of which, he's oblig'd, by the Acts referr'd to in the Oath, *to be a Protestant, not to Marry a Papist, to take the English Coronation, &c.* All which to be legal Qualifications of the Successor I can find no hinderance ; and it hath been already granted by the former Author, that if any one of them affected the Oath, they were all brought into it : And I strongly suspect, that the *English* would say so. Upon which I would ask this Author, in case the Successor should Marry a Papist, a little after his coming to the Crown ; which of these is most likely according to the second Act, that the *Engl.ß* would allow him to continue in the exercise of his Regal Government, because he did not Marry one, when *in peritorio*? Or, would it deprive him, because he did not keep the Legal Injunctions laid upon him? And if so, then not to Marry a Papist, is a Condition affecting the Successor, as well after his Accession to the Throne, as well as before. And by the same parity of Reason, why may not his taking the Coronation Oath be a condition of his Right, tho' not performable by him till he sit upon the Throne ; otherwise for what end is it and the like Provisions Enacted ? 3. Tho' no such Irritant Clause is annex't in the Act, to the Successor's refusel of the Coronation Oath, as to's Marrying a Papist ; yet what says that against it's being a condition of his Right ? seeing its as peremptorily required by the Tenor of the Act, as his not Marry-

ing

ing a Papist : especially considering ( not to insist on the defect in the Acts of an irritant clause, anent the Successor's turning Furious or Tyrannical ; and yet according to the last Author, his becoming such, incapacitates him ) that its plain from English Histories, to take or refuse the Coronation Oath is not to the pleasure of their Sovereign, but that they've been compell'd to take it, and keep it, both by a Parliamentary, Senate and Force of Arms, deposing them, if they disobey'd ; so that I am perswaded he'll find but few instances of Kings in England, who have not Sworn the said Oath, and been obliged to keep it, since it was first enacted or required ; and these only occasioned by Murtherous Treachery against their Peop'ns, or Wars Civil or Foreign : Wherefore none can lay weight upon, or in the least regard what this Author or others say on this head, seeing a Virtual and very effective Irritance hath been Exercis'd, in case of refusall or Nonobservance of the Coronation Oath. See Prynne's power of Parliaments, From Pag: 51 to 59. Part 1. Where the Judicious Reader will see the contrary of what this Author advances here, strongly Establish't, and particularly what he says of delaying the Coronation Oath, &c. As to which I only remark, That according to the Constitutions of a Limited Monarchy, and the Common Usage before, at, and since the Revolution, its Time enough to Swear Fealty, when the Sovereign gives his Oath to preserve the Religion, Rights and Liberties of the Subjects, *their Safety being the chiefest Law* : And because usually all other Conditions or Proviso's previous to this Oath, are not lookt upon as Sufficient Security, till the Sovereign come under this strongest Bond to keep them Inviolable ; as is evident from its ordinary Administration to him at or about his first Accession to the Crown : From which it plainly follows, that the Coronation Oath is the chiefest and most immediate condition of a Right to the Crown in England ; so that he who Swear to the said Right, as the takers of this Oath do, is unavoidably Sworn to the Successor's Obligation to take the said Coronation Oath, according to the Acts referred to in the Abjuration. 4. There being none appointed by the Union, to administer the Scots Coronation Oath ( which is a most dangerous and criminal Omission ) they shou'd have been the more cautious against pre-engaging to the Successor, especially when there's no Reference in this Oath to Acts for our Security, as was observed before. 5. When he grants, *The Sovereign shou'd preserve the Bishps Rights in England, so long as the People are for them ; and that they wsh an Alteration of our Constitutions in a legal way, that is by the Parliament upon the Peoples Desire in Scotland* : And considering, that Matters at present look like an agreeable Answer to their unjust Wishes, notwithstanding of Acts, and a solemn Treaty in Favours of our Constitutions, and of a Scripture Foundation for our Ecclesiastick Establishment ; he plainly says upon the Matter, *That we shou'd swear by this Oath to the Security of the English Rights in Church and State, and thereby strengthen them to subvert our*

*owne:* And thus he not only canvells the Solem<sup>n</sup> League; but jugulates his own Cause. 6. He mistakes the Argument he's pretending to answer; for the Force of it is laid not only upon the Coronation Oath; but upon all the unrepeal'd Provisions contained in the Acts, to which the Abjuration refers, that are inconsistent with our Principles; such as, *The Successor's joyning in Communion with the Church of England*, besides the Hardship of several others of them.

What he lays pag. 13, anent some Acts of the Scotch Parliament cited in the National Covenant, meets not this Case, and does him no Service: For there's a manifest and palpable Difference betwixt the Citations in the National Covenant, and the Reference in this Oath; such as, they nakedly cite the Act without its Title; the Scope of these Citations are Arguments *ad hominem*, the Particle *AS* is only mentioned twice in the Citation of about 58 Acts of Parliament, and one of these is, *As for Instance*; they fully narrate in the said Covenant what they cite, repeating several intire Sentences; the Acts cited in the National Covenant contain several heterogenous Purposes, utterly remote from what the said Covenant excerpts out of them; and particularly, as to the Act he instances, its noticeable. 1. It cites what's plain Duty incumbent on Church and State, which can't be pretended by Presbyterians as to the Acts referred to in this Oath. 2. Bishops and Archbishops were much oppos'd at that Time, which was a sufficient Caution against any Fear of their Approbation of Bishops, by citing the said Act, whereas the Conditions or Provisions under Debate, have not in the least been complain'd or resisted. 3. It relates not to the authorizing and Settlement of the Office and Right of Bishops, as this Reference and *Acts* do to the Right of the Protestant Successor. Far less, 4ly. Does it say, *They'll maintain Archbishops, &c. being Protestants, as they stand Jettled or established, by such Acts of Parliament*; as this Reference bears, anent the Protestant Succession; otherwise their Office had been approven and sworn to; for to say, That they would been sworn to in this Case, *as Protestants only, but not as Bishops*, is to elude their Office, and the very Design of it; the Application of which is very easie to the Purpose in Hand; especially considering, that the Parliament in the Second Act referred to, determines what sort of a Protestant the Successor must be, viz. *One in the Communion of the Church of England*: And there are no Protestants in the World, that can be said to be such in the Abstract, except in the Precisions of our Jurors; but what are of some special Denomination, either *Lutheran, Calvinist, Hierarchick*, or the like.

What he says, pag. 14. anent the various Significations of the Particle *AS*, is obviate before, being the same in different Words, with what the former Author had; as to which I wish, that both in this way of loose and dangerous Arguing, do not teach the World to deceive: For I'm satisfied they can't justify their reasoning on this Head, from any sound, approven Protestant

Ant Casuist; but because some may have exposed this as a symbolizing with; yea, worse than some of the Lies, or Falsiloquies defended by *Grotius*, as as he calls them; for which he was justly taxed by learn'd *Voetius*; tho' he expressly excluded them from Oaths, for the Gospel's and Peace's sake, I shall forbear to expose it further.

None can believe what he says, with the former Authors. pag. 13. That the last Scots Parliament, mentioning only the Protestant Succession, expresses all the English *Acts* intend; Is not this to speak against the plainest Matters of Fact, that can be? Considering ( beside what's above said, and in the Abjuration disblaide, pag. 10. ) That the said Scots Parliament their Expressions being general, are comprehensive of the English Provisions, which are special, as is evident from the said Parliament, their drooping of an Overture, for exempting Scots Men in any publick Office from this Oath of Abjuration; And their rejecting by Plurality of Votes other two Proposals, one for explaining the said Oath, so as to exclude the English Provisions; and another for swearing Persons in publick Trust to Presbyterian Government: From which we may gather these three things. 1. That the very Design of the Union was to make us in Process of Time wholly English. 2. That the foresaid general Expressions anent the Protestant Succession, were meerly politick. 3. That many, tho' not the most part, in the last Scots Parliament, were against this Oath, or at least for an Explication of it by the Legislative, as necessary. See *Queen Anne's Annals*, pag. 412, 413, 414. 1706.

I pass what he says *ibid*: anent the Nomination of *Queen Anne*, being called in the first *Act*, *A settling of the Succession, &c.* as childish; such a Settlement according to Revolution Principles, always relating to the Modell and Conditions of Government, whether tacite or express'd; and at least the supposed Consent of the Person nominated thereto; for the judicious will easily find, That its a Sophism, like the former, from a General to a Special; or because such a thing is generally express'd sometimes, therefore what is particular is excluded; which is much the Way of all these Authors.

To what he says pag. 16. anent the Word Protestant being only express'd in the Oath &c. The Citation of Scriptures, &c. Its answered. 1. Its not easy to dive into the Mind of Politicians; probably it was thought too bare-faced, to bring nothing out of the Acts into the Oath; and the Word Protestant being very specious, and alluring to Presbyterians, was fittest to be insert to cover the Designs of the Oath, and its Reference to the Acts: See the *Essay*, answering his fully, pag. 11, 12.

2, AS in all Citations of Scripture, still Reduplicats and takes in whatever is to the purpot, whether a whole Chap or some verses be quoted with. AS; if a Minister shou'd say, we believe the World to be made by GOD, as Moses relates in Gen. Chap. 1. AS here clearly takes in not only the General Expr. viz. That the World was made, but all its pieces in such man-

mer, order and number of days, as is there Narrated ; or if he shou'd Preach the Lord is to be Praised, as *Psal.* 248 declares ; this wou'd be presently understood by any who Reads it, that GOD is to be Praised by his People and all Creatures in their kind ; Seing the scope of the said *Psalm* and its subject matter, expressly asserts so much : Or if he shou'd teach, that the Love of Christ ought to be the great study of believers , as the Apostle Exhorts in *Eph.* 3. 17, 18, 19. Any Intelligent Reader inspecting the Verses wou'd think he was to study or know this Love, as to be Rooted in it, to be ravish'd with its Unfathomable Dimensions, and to share of its refreshing and satisfying effects ; for all the Expositors I have seen, understand it of Christ's Love to us, except *Calvine*. In a Word, tho' what's most material be express, yet it excludes not that which is the same purpose ; otherwise unjust Persons might Elude the reference in Dispositions to Bonds, which ordinarily express what's Principal, and cites such Bonds as to what's of less Value with such like Words, as *Contain'd. &c.* Besides, would not a Man be Ridiculous, who Professing or Swearing, that he believ'd the Creation to be made as *Moses* declares ; and yet wou'd deny its order and the like ? See *Heb.* 11. 3. and sound Expositors thereon. 3. The Jurants Sense of this Reference and Scripture Citations with *AS*, is directly contrary to some of the chiefeſt and most ſolid Rules of Interpretation given by Divines ; for if what's only exprefſt, excluded what's not exprefſt, to how ſmall a Number wou'd the Duties and Sins of the Decalogue be reduced. 4. Citations of Scripture by a Minister or Author are not only for Confirmation of what he Expresses, but to make up what he passes or does not ſpecify ; which being exactly agreeable to this Reference, Establishes the Sense of the Nonjurants, as can't but be known to the meanest Capacity.

I may not stay upon his Distinction, *Pag.* 17. betwixt the Conditions of Entail and the *English* Rights ; for every Body will ſee it that it helps him not ; ſince they've a mutual reſpect to one another, and can't be ſeparable in Law, these Provisions or Conditions, call them as you will, having the fame native Aptitude in the ſcope of the Acts for ſecuring the foreſaid Rights, that proper means have for obtaining their End ; ſo that he who Swears this Reference, Swears to them both, as was ſaid before. It is the first time I ever read or heard a real Distinction or difference among things, according to their particular Natures, made uſe of againſt their Union or Conjunction, or Relation ; which the foreſaid things under debate viſibly have in the Acts : At this Rate one may Swear to's Neighbour's Body, but not to's Soul, to's Wife anent her Tochar, without any regard to her Husband, who ( by the Marriage Ritual in the Church of England, with my Body I thee Worship or Reverence ) wou'd be bound to give only Bodily, but no Cordial reſpect to's Wife ; and all because these are diſtinct ; ſo this *Unioniſt*, would on this head deſolve all Unions, but the laſt betwixt *Scotland* and *England*.

*Pag.* 17, 18. When he wants Arguments, he resolves to bear down the Non-jurors

yers with Numbers and Crowds, saying, that *English* Dissenters wou'd not have taken this Oath, if they had understood the Reference to be Reduplicative ; on which I need not dwell, seeing its fully obviate by Prem. 8. Part 1. I wonder how he can advance this, when all know that an Argument from practice is inconcluent, unless the practice can be justified, and that Good and Learned Men have committed sometimes no small Sins through Inadvertancy, as some very Judicious Dissenters in *England* ( of which I've Good Information ) have own'd as to their taking of this Oath ; for which Ingenuity their Praises ( I hope ) will be in the Churches of Christ, not to speak of the different Circumstances that they and we are in.

After this he Repeats what he had said before, That the Provisions takes place only after the Successor's coming to the Throne, of which enough already.

What he says, Page 18. 19. Anent our Friends in Parliament their Opinion, That the Provisions were not included ; or *As* and *Which* were the same, much insisted on by these Authors, is removed before and well answered by others ; Only I notice, that he talks of a declared sense and Alteration of Laws, if any further change had been made in the Oath ; which I wish he had explained better ; for its a Confirmation, if I take it up, that *As* and *Which* have very far different senses ; And that the Provisions are included in the Oath, otherwise what need of an alteration of Laws, if a further change were made in the Oath ; and if a change was already granted, why not another for ease of tender Consciences and good Friends to the Government ? And thus he contradicts the other Authors, who say *As* and *Which* are the same.

Page 20. He answers not the Argument against the Oath taken from the contradiction betwixt the Oath, by which the Successor is sworn to as Protestant ; and the Law, by which he is renounced, *If he marry a Papist*. And here its noticeable, That tho' this Oath was before argued by this Author, as a stronger Tye in favours of the Successor, than the Law ? Yet now the Law is made superior to it self and Oath both against the Successor, *if he marry a Papist* : Its referred to all Men of Probity and Candor, if it had not been plainer and more Honest Dealing with all concerned, to have express in the Oath this Provision or Condition of the Successors not marrying a Papist ? *Eleazar* and the Spies were for express Conditions, according to which the Irritancy of his Right, by marrying a Papist, turning Fatuous, or Tyranical, shou'd have been also inserted, against which he says but little Page 21. And indeed very little or nothing can be said against it ; considering what *Bilson* advances for it on the Matter, in his *Christian Subject-m*, Part 3. from Page 418, 419. &c.

## SECTION IV.

## Containing Answers to the Dialogues.

The reason to my purpose to animadver<sup>t</sup> upon this Authors Description  
**I** of his Zealous and Moderate Elders, page 3. 4. or upon the incedible Bigotry he attributes to his Zealous Elder page 5. as refusing to read any thing in favours of the Oath, contrary to the Practice of some Countrey Elders, and others, and to common Sense, Justice and Reason ; leaving these to such as have more leasure, I notice according to the Character of his Moderate Elder, viz. That he lyes open to a good Reason, offer it who will ; this Author and other Jurants are injurious exceedingly to Non-Jurors, when they reflect on them for Entertaining what they judge reasonable against this Oath, as only coming from Jacobites and Papists or Malcontents : To reconile which, and many such like reasonlets Calumnies, industriously spread to serve a Turn against the Non-Jurors, with his Applauses of Moderation, will be no easy Task ; or to make his Zealous Elder a Man of Sense, after what he ascribes to him first and last through's Pamphlet. Altho' page 6. He expressly lays, That many Sufferers and Zealous Ministers have taken this Oath ; yet I hope he will not be able by his Expression of so much, to exclude all the Non-Jurors from being such, without Exception ; in Imitation of the Expression of Protestant, to remove all the Provisions from the Oath, lest as little Credit be given to the one, as to the other, especially when many see with their own Eyes, Suffering and Zealous Ministers among the Non-Jurors ; But whatever Zeal or suffering hath been among some Jurants formerly ; Yet according to Ezek. 18. 24. 26. God threatens to forget it, if they forsake their former Integrity, or go into measures that Unhinge true Reformation, or obstructs it.

I'm glad to find him, Page 7, against Reflections and Censures ; but how to adjust his Judgement in this with his practice ; & that of his Fellow-Patrons of this Oath, who are the first and most virulent in Reflections I know not : That some pre-engaged themselves against the Oath from Popular Applause, he very inconsistently alledges Page 95, when here he condemns it as an Ucharitable Censure ; Yet suppose some had too early declar'd themselves against the Oath, which I do not think, as he says he heard, and the Author of the Letter insinuates Page 13. They might have very safely retreated, and with as good Credit, as some Jurants, who were at first very keen against the Oath, and as others, who made their People believe they wou'd not take it to their own cost ; Seeing the Lords of the Session

Session are known to reduce their own Decrets upon better Information, and *non est pudor ad meliora transire*, and all wise Men retracts when better inform'd; But the Truth is, the *Nonjurors* may be more confirm'd against the Oath, when they've heard all that this Dialogist, who is said to be a Club of *Jurants*, can bring in favours of it: Whence its evident the Refusal of this Oath proceeded from a due regard to Conscience and Reformation, as contain'd in the Word of GOD, Confession of Faith, and the Covenants.

Pag. 8, 9. He subtilly disguises, and grossly misrepresents the Reasons for shutting the Press against *Nonjurants*, or *Scruplers*: For, not to repeat what was formerly laid, Part 1st. Prem: 3. It could not be unknown to this Author and others, from the Conference at the Assembly, and more private Converse with such as scrupled, That there were many principal Arguments advanc'd against the Oath, which no way touch'd upon the Queen's Right, or the Abjuring of the Pretender: So that his speaking of principal Objections, looking like Impugning the Queen's Right; and that any thing was promis'd to be Printed except what reflected on the Government; from which Presbyterian *Nonjurors* being known to be most averse, is such a spiteful *innuendo*, as is not a little tinctur'd with the Spirit of Persecution, if the Government wou'd Dance to their Pipe; it being of the same Leaven with the Groundless story of *Non-Jurors* their Disaffection to the Queen, and contrary to Her declared Satisfaction with their Loyalty; which yet some *Jurants* impress their Friends with, that they may fall heavy upon some *Nonjurors*; but blest be the Lord, none have been so credulous, unwise, and levere hitherto.

As to the Offer of Printing Objections, as he speaks, against the Oath, with Answers thereto, it was neither fair, nor square; and therefore wisely out of Respect to Peace, not intertain'd; considering, that it was too late, viz. in August, as I'm inform'd, after three or four Prints were come out for the Oath; to which no Answers had been allow'd to be printed; and that many *Jurants* were known to be resolute upon the Oath, and to entertain all Arguments against it with insolent Contempt, as they yet do; and that Mutual Forbearance was enjoynd by the Assembly; and *Nonjurors* had a plain and easie Foresight of a Necessity, to vindicate themselves (which according to the very Law of Nature they cou'd not be hinder'd of) from the Attacks of *Jurors*, which were the first and most violent, not only in private, and their Pulpits, in many Places, but in Print; as is sufficiently documented from the gross Reflections, which abound in the Eight Authors for this Oath, particularly the foul Aspersions here, pag. 9. upon a pious and leaned Author of a certain Manuscript; being the very same, that *De Foe* threw upon him, without all Ground in time of the Union.

From Pag. 11, to 19. As to the pretended Necessity for imposing this Oath  
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he hath little, but what coincides with the former Authors on this-Matter, viz. *Lawful Authority imposing Pag. 11. an Oath supposed Lawful, Pag. 14,* which is a begging of the Question, and where he inconsistently loads the Magistrate with the Fault of Swearing, in case it be unnecessary, as we heard before; which with what he says, *Page 11.* is of a piece; viz. *That it would done well to propose the Argument against the Necessity of Imposing this Oath, to the Parliament, before it was enjoin'd to be taken:* Forgetting what was unnecessarily imposed, is needlessly sworn; and thus contradicts his Reasons for it. *Pag. 12. viz. To confirm the Subject in their Allegiance, to excite their Zeal against the Pretender, and to tye them faster to a Protestant Successor, &c.* In consequence of which, and what he says, *Pag. 16. Of Men's Variableness in Thoughts, as the reason of frequent Swearing, when call'd:* They must have a New Oath to confirm them in this; yea all Persons must Swear every Year, Moneth and Week; and to quicken their Zeal for Reformation; and so the Covenants may come in at last: For if Printes may renew the same Oaths for their Civil Interest, or for the Advantage of Religion, as is pretended for this Oath; why not the Covenants be renewed for the same Ends? But how they can be tyed faster to a Protestant Successor by this Oath, which this Author, *Pag. 40, 41.* and others, understand only *de presenti*, or for the present, I comprehend not.

*Pag. 11.* He assimilates this Oath, to an ordinary lawfull Oath required by Judges for deciding a Controversy; whereas its obvious, that there's a manifold Disparity. 1st. The Queen's Right was already sworn to, on the Matter, in the Allegiance, with the Concession of Jurants; and Hanover's Right was Decern'd in his Favours against the Pretender by the Parliament; which can't be pretended as to private or publick matters of Fact, upon which Witnesses usually Depone. 2. Without Oaths in ordinary Laws Suits, the controversy can't be determin'd; but who can say with Reason, that the foresaid Rights are or can be denied by this Oath, which increases the strife with a Witness? 3. The matter on which a Witness Depones is doubtfull, till he clear it; but the firmness of Presbyterian Ministers to the foresaid Rights was still plain, and clear as Sunshine. 4. The Deponing upon Oath of Witnesses is usual and ordinary, but that a whole Church shou'd Swear what they still own'd, and have generally already Sworn, is quite new, after the Queen had own'd Her true concern for the Protestant Succession in Her Letter to the Assembly; and that only to gratify the Caprice of their designing Enemies. 5. The Oath Witnesses give, is known to be simple and plain; whereas this is complex and involved, as appears from what is laid on both sides. 6. Ministers have been wisely Excused in many Ages and Nations from frequent Swearing of Civil Oaths, such as this; of which several Instances can't but be known to the Jurants; and of Governments, who've laid aside the Oaths they once intended, because grievous and

and disquieting. But I may not for my part stay upon other differences well known to any, who Read or are Acquaint with the ordinary Practicks in our Law: From which it will appear, that this Author Blunders, when he says a Witness must Depone, tho' he hath always declared what he knows in the Matter; which being *Proditio Testimonij* wou'd cast him.

What he says, Pag. 14, 15. That this Oath is an Application of the General Oath before taken, *viz.* The Allegiance to a Particular branch included in that General; so he opens a Door for Oaths without End for every particular, tho' formerly Sworn in General; or when one Swears the Covenants, he must Swear every particular thing again that's contain'd in them; or if one Swear the Premisses, he must Swear the Conclusion, however so Native; new and fine stuff indeed is this, to go further, as the first Author said on the Foot of Allegiance.

Pag. 17. He says only false or doubtfull Oaths Debauch the Conscience, contrary to what the former Author's more tenderly and solidly own, *viz.* That frequency of Oaths, especially when complex, as this can't be denied to be, and with the concession of severals who have taken it, are justly complain'd of, and tend to make Men regardless of their sacred nature; on which score severals in the late times, who were Members of Parliament, opposed the Oaths that then obtain'd; and that very justly; because such is the pravity of humane Nature, as Experience daily teaches, that what is frequent is the less regarded. To all which I only add, that its submitted to the Judicious and Impartial, if what this and the former Author lay, for the necessity of this Oath, on the account of its Imposition by Authority, falls not in exactly with the Prelatists, who made the then civil Powers Paramount to all Arguments from Reason and Conscience.

What he says Page 18, *Anent four Years Delay of this Oath with respect to Ministers, and its becoming in a manner, a case of Confession;* is a captious Fallacy, supposing the Security of our Rights, in Contemplation of which such Civil Oaths ought only to be given; and that this Oath contains the foresaid Rights in clear Terms and no more, which can't be yeilded, as we have already seen.

What he says Page 19, 20. *Anent Ministers their taking the Allegiance ov'r again, when Members of the Colledge of Justice are confessedly exēēmed therefrom, &c.* is both weak and disingenious; for he speaks, as if it had been the first time Presbyterian Ministers were requir'd to give Security for their Loyalty, as it was to the Episcopal Clergy, for whose taking of it there was a special Reason, *viz.* They had not sworn it before; nay, not so much as own'd or pray'd for the Queen, at least many of them; which can't be said of Presbyterian Ministers; and besides, he pleads contrary to what the Parliament hath done, *viz.* That they shou'd make no Difference among the Subjects of the same Character, as to their Loyalty: Whereas they

they've made a great Difference among them, by requiring *Presbyterian* Ministers to swear Allegiance to the same Princess twice or thrice, and *Episcopalian* but once.

The Engrossing of this Oath in the *Toleration-Bill*, which he speaks of Page 21, 22. and his answer out of the last Author, with whom the Vindication of the *Jurants* joyns to the same Effect, Page 8, at least as to the Provisions, is a mistake, as if there were no Difference betwixt Acts and Laws utterly remote from, and independent on one another, being separately made, and what is conjoined together in the same Act, as a clogg or Limitation, as this Oath is very inconsistently own'd to be by this Author, Page 23, with respect to the *Toleration*: See Part 1. Page 13.

As to the Testimony he says was given by the Assembly against the *Toleration*, its not to be Vaunted of, in respect many were dissatisfied with it, as lame, and far short of what our Ancestors did in less Gravaminous Cases.

To the Argument against the Oath drawn from the *Union*, &c. He plainly answers indeed, by acknowledging the *Union* hath been own'd already by paying of Taxes, Page 23. and praying for *Hannover*, Page 24. but does not this Author know that there's a real difference, and by all Men of Sense and Probity betwixt a Civil, forc'd, prudent, submission, and an active, approbative complyance, by a solemn Oath, rivetting a Servitude, which our fore Fathers wou'd not born; and under which we and our posterity can't subsist; the former being allowable, ev'n in cases of Conquest, and Usurpation; but the Latter is our Sin and hurtfull: Does he not know, that there's a difference betwixt, what the Church and State do in their several Spheres and Capacities? I hope he'll not say that our Church sends her Representatives to be Members of Parliament. Does he not know that a Minister's paying of Taxes for his Estate, if he hath any, differs far from his taking of this Oath, as a Minister, or one in publick Office, which he only hath as such? Does he not know, that I may pray for *Hannover* without any regard to the *Union*, because he's the next Protestant Heir in our Royal Line, on whom the Revolutioners in the Scots Parliament 1701, were justly clear and forward to settle our Crown? with which the Assembly's appointment 1711, of praying for him very well agrees, seeing they do not say wisely, that his Title to the Crown is founded upon the *Union*. Does not this Author know, that there are both Persons and things for which in point of duty I may pray; and yet I can't Swear to them; as for instance, I may Pray for the King of Sweden, and his Rettirement from Exile or Captivity, which all true Protestants are concerned to wish; yet I can't Swear to him or to the Terms of his Liberty, if ever it be: Does not he know that by's Words here we understand his meaning, that he's for the *Union*, tho' he's not so frank to speak it plainly out, as the Author of the Remarks upon the

the *Abjuration Displayed*, Pag. 23, 24, 25. And the Author of the *Aniwerst* to the same *Display*, Pag. which furnishes us with many Weapons against this Oath ; and may confirm all true Presbyterian Nonjurants, considering the Design, Nature, Measures of on-carrying, and the Genuine Fruits of the Union. But here I wou'd ask one Question further, seing according to this Author, Princels *Sophia* her Title being settled upon the Union, such as Pray for her owns the Union as legal ; how comes it that the reference to the Acts in the Oath does not own all in them as legal too ? I fear that at length Jurants be made Sense that it is so.

Pag. 25, 26, 27. In Answer to the Complaint against the heavy Encroachments by the Tolleration, Patronage, &c. He hath nothing but Reflections, that this complaint is raised and improved by Enemies ; tho' its known, that some of the best People in the Nation and of good quality too make this complaint ; after which he makes Extenuations of Grievances, telling us in Contradiction to the very Treaty of Union, that Parochial calls and the Magistrates Concurrence with our Discipline, are not improbably debated to be no part of our Constitution secured by the Union, as if the Peoples Right to call their own Minister were not agreeable to the Word of GOD, Established not only by our own, but many Foreign Divines ; and as if the Scriptures did not require Magistrates to suppress Immoralities ; and Presbyterian Government, with the foreaid Call and Concurrence, were not Established by Law before and by the Union : Its seems enough, that as he says, we've the substance of our Constitution, and all the power Christ left us, is with him, nothing impair'd by the late inroads upon us ; which is not only atleast to condemn Virtually what good Reforming Kings have, according to the Scriptures, granted to the Church ; but to invite the Parliament to make some further Encroachments.

Page 28, 29. He plainly tells what induc'd him to take this Oath, viz. The preservation of his Ministry and Family from the greatness of the Penalties ; tho' before 'twas uncharitable to say so, and some Jurants avouch the Penalties ( which by some Lawyers are call'd the Life of the Law ) to be wholly foreign to the Oath ; However we see some things not express in the Oath affect not a little both the Oath and its takers. He says likewise, that he may swear to Illegall and Ulurping Powers, which is directly to go counter to the Exercitations upon Usurped Powers ; to which I must for brevities sake Remit him and his Jurants, who are for the sense, *de presenti* ; Where and in another Pamphlet, Intituled, *The Vindication of the Allegiance*, he'll find the contrary of what he and they lay, solidly Establish't. Further he blunders, when he says, *An Oath is usually given, or a Suspension taken without Examining the Legality of the Judges, &c.* For Lawyers can inform him better that this is to confound competent and incompetent Judges, as one or equally Legall ; And to condemn all Ad-

vocations from Suspensions and Declinatures of Judges, Non habentes potestatem.

Page 30, 31. He takes upon him to explain the Magistrates Power, anent Ministers their Office ; and in spite of the very Letter of the Law, which says expressly, that the Office of every Recusant is adjudged void and Null, he restricts it to Deprivation only of the Exercise and Benefice of the Office as to Ministers within the Queen's Dominions, forgetting that Christ, who gives their Office, gives also its Exercise ; otherways he confers an Office in vain, which is Blasphemy ; for he commands them to preach, forbid who will ; and punishes such as unjustly hinder them ; So that when the Magistrate incarcerates or otherwise punishes a Minister, which he may justly do for Crimes, he being a Subject, and as such ; Yet the Obstruction of the Exercise of his Ministry by such punishments is meerly consequential : This Author forgets also that the Benefice is of Divine Right. 1 Cor. 9. 13, 14. and the Allocating of such a Quota as a Competency belongs only to the Magistrate. See *Essay*, Page 25. *Voet. Eccl. Poli. Part. 2.* 672. 673. To which I subjoin *Cald. Hist.* Page 444 Shewing that King James 6. and his Council discharg'd Mr. Robert Bruce and others, to preach within his Dominions by their Authority, without the Churches Consent, and before a Civil and formal Tryal was taken of their alledged Faults ; By which we may see our Reformers and others were not of this Authors Mind ; However, few can think that all the Penalties annex'd to the Refusal of this Oath are proportionate to the simple Scrupling at this Oath in Ministers, who otherwise are known to be faithful Subjects, for Hannover, and against the Pretender, who considers that in all Justice punishments shou'd be suitable to the Offence and Crime : As to what he says anent the Penalty of loosing Office and Benefice in King William's Time for refusing the Allegiance, is such a Piece of Erastianizing Flattery, that the Scots Parliament their restricting of it to Deprivation of Benefice, only takes off his false pretext of saying, it was only tenderness in a mistake ; For they certainly understood their Power better than this Author.

From Page 32. to 40, I can find nothing, but Coincidences with the former Author's anent the Queen's Right and Pretender, &c. viz. An Oath of Credulity, King James 7th, his Abdication ; of which he's a great holder forth by comparing it to other Forfeitures, Page 36, 37, 38. But this is well answered by the *Essay*, Page 11. as also what he says Page 60, to the same purpose ; he's sorely pinch'd, when he runs to such desparate Similies ; and least he be thought to want Arguments, he may not miss Reflections Page 39. on the Non-Jurors, as under Jacobitish influence ; Tho' they expressly disclaim it.

Page 40, 41. Most confidently he asserts with others his swearing *de presenti*, or the famous present sense, without any other proof than that he could

wou'd not but in this sense, Abjure the King of France; to whom, if he came to the Crown, he might as reasonably bear Allegiance, as the *English* did to the *Norman* Conqueror: To which I answer. He goes upon this mistake, as if there were no Difference betwixt swearing for the future, to endeavour to the outmost, the Security of such and such a true Right, according to this Oath, against all pretenders; and swearing for the future, the actual Establishment of that Right; or the effectual hinderance of a pretended Right: The former is Lawful and included in all Promissory Oaths of this kind, where the Right is Lawful and not forfeited; but the Latter, being what none can promise or swear, is sinful. 2. He may see in the forecited Vindication of Allegiance, Page 34, and *Med. Hist. Angl.* page 73. 77. That the Conqueror acclaimed the Crown of England by virtue of Covenant and Oath of Harold, the Promise and Donation of Edward, and the Consent of the States, as the Reasons of his Invasion. And tho' he gave a solemn Oath at's Coronation, to preserve the Rights of the Church &c. yet he will not find that any of the *English*, except the Bishops and Barons, that swore Allegiance to him; but on the contrary that the *Kentish* Men offer'd him Battle and oblig'd him to satisfie their Demands. 3. I wish this Author wou'd reconcile with his Sense de prasenti, these words of the Oath Will defend to the outmost, &c. And what he grants page 41. Anent *Hannover's* Right, being Legally unalterable, and make the same consist with the Nature of a promissory Oath, as contradicting it from an Assertory Oath. 4. I wou'd gladly know, how they'l make themselves better than the Papists, who teach Faith is not to be kept with Hereticks, when by their present Sense they maintain and say, They'l swear to the Pretender if he come to the Throne, after they've sworn to a whole Race of Protestants against him? Not to speak of the Native prejudices against Religion that rise from it: Upon which I submit to impartial reasonable Men, if the pleadings of Nonjurors in this Point, have not a more genuine and stronger tendency to strengthen the Queen and *Hannover's* Rights against the Pretender, than the present Gloss of Jurants, as to swearing and Abjuring; with which I cannot make all of a Piece. What he says Page 42, 43. Anent discovering of *Conspiracies* against the Queen and Her Successors, which undeniably respect the Time to come, as well as the present; but this was answered to before in the *Oath considered*, to which this Author refers his Reader.

Page 44, He shuffles and blunders extreamly, when he tells us, That the Oath of Supremacy was abolished by King William, as if the Ecclesiastick Supremacy or Headship over the Church of England, were by this taken away, while its known to be continued, and that they are different things, is not this to impose upon the World; But its noticeable here, that he yields the Argument, where he says, Prerogatives are included in the word

Word Crown, &c. And that Dignity including the Queen's Titles of Honour ( from which in spite of Law he can't remove the forelaid *Supremacy*, it being well known and own'd by the *Engl'ish* to be a Title of Honour ) he must swear to maintain Her Title to *France*: But whether he'll do this for the present, or the Time to come, or can do it with certain Knowledge, I leave him to Determine.

As to's Maintaining the Protestant Succession, in Opposition to the Pretender, page 44. He being, as he there says, *A Popish Prince, a Disciple and Client of France, &c.* and his unwillingness to alter the forelaid Succession, because of *Lutheran Errors*, page 45. is to me very inconsistent with his former present Sense; which ( beside what's above said ) infer Natively, that this and all other promissory Oaths are intirely needless, which I hope he'll not say.

Pag. 45, 46. He takes off the Mask ( tho' we'll find him to put it on again, when he comes to argue anent the Reference ) and says on the Matter, he would lead us from the *Scots Reformation*, as its *Presbyterian* and *Covenanted* to hold the *Essentials of Christianity*, and the *Antipopish Principles* of the *Protestant Religion*; and to swear to the *Protestant Successor*, in Opposition to a *Papist*, and *all others*, without leaving a Reserve for such as may come nearer to his own Perswasion; so long as the next Heir continues to have the great Qualifications, necessary for the Security of our Religion, being Protestant and as the Law requires; which are his own Words; for he says, *The Differences betwixt Calvinists and Lutherans are lesser Matters of Opinion*; and, *That the Successor be a Protestant, is all in Reason can be demanded*: So our Reformers, and others elsewhere, were Fops, Dunces, and unreasonable to demand more; and many precious Truths reveal'd in the Word of GOD *ad melius esse*, for the wel-being of the Church, must be abandoned: Which confirms not only some of the former Reasonings; but the Opinion many have conceiv'd of the Jurants, as no more really *Presbyterian*, but meer *Protestants*.

From pag. 47, to 65. He hath very little, as the Judicious Reader will notice, but what is met with already, and others also have refuted: His Reason pag. 49, for the Oath's referring to the Acts, viz. *To shew where, and by what Authority the Settlement of the Succession was made, &c.* is so childish, that no wise Man, let be the Parliament, would or can own it; as to which he contradicts himself, when pag. 35, he said any Person, whether for a *Parliamentary* or *Hereditary Right*, might take this Oath, which speaks of Right only in the General; and yet here the Reference is insert, to cut off all Debates anent these Rights.

From pag. 59 to 62. He labours to prove, *That nothing is brought out of the Acts into the Oath; but what is exprest*; Yet, pag. 62 he says, *What is the Hazard, if all the Entail be taken in*; which others that write in Defence

Sence of this Oath freely grant, particularly the Author of the *Vindication of the Jurants Often*. As to which I observe, 1. The Jurants are not agreed, what's meant by *Limitations*; some of them thereby understanding the Successors, or the Persons, who are to succeed; others, by this Word mean, *The lenthning out the Succession* (antiphrastically.) A third sort intend, the Conditions of the Entail, such as Protestant, &c. 2. Some of them deny stiffly *As*, to be reduplicative, others granting it, and these are divided, some of them yielding it to reduplicate upon the Persons, and the Word Protestant; others saying, *That it includes the whole Limitations, or Conditions of the Entail*, as the Author of the *Answers to the Abjuration displayed*, pag. 27. But yet the Provisions must not come into the Oath; tho' they all stand upon a Level, as this Author says, pag. 50. and that its not material in what place any of them stand, pag. 70, which further enervates what they say, for the Exclusion of them out of the Oath, from their Posterity of Site in the Acts: Upon which one may ask them, how they could swear this Oath in Judgment, Righteousnes and Truth, when they so much differ, as to the Sense of it in some Words, or things? For they've not only distinct Notions, or Thoughts of *Limitation* or limited, and entail'd, and the Reference; but of *Crown, Dignity, Willingly, &c.* As is plain to any, who reads what they say. 2. I would ask them, seeing some of them grant, *That they swear to the whole Limitations of the Entail*, as they speak; and the Oath refers indefinitely, and without Restriction, to the Acts, containing Limitations and Provisions both; for its a sure Rule of Interpretation, *Si plures ejusdem Vocis sint Significationes in populari Uso, illa est sumenda, quæ est latissima; quale est ut Masculinum sumatur pro Genere Communi, & infinita Locutio pro universali.* According to which, Successor comprehends Succession, and Limitations are the same with Provisions: I would ask, I say, How they swear to the Limitations, and not the Provisions, while these are the same in Law and common Ulage? as is before argued; and all Conditions of an Entail or Tailzie respect the Heirs or Successors, as well after as before their Possession; yea, principally look thereto, even in the Acts; the plain Design of all Conditions, whether of Entail or Government, to use Words on both sides at once, being to secure such and such Rights in England; for none will pretend, That the English can pass from the Limitations of Entail in the Successor, even after he's come to the Throne: Is not this to use Precisions in Moral Things, in Conditions and Oaths without Book, and contrary to the Scope of the Law? How agrees this with *Dialogue*, pag. 63, 64. *That the Provisions are untouched by the Oath; neither approven nor disapproven:* Which all the World knows to be a mere Artifice or Evasion, used by such as are in a Strait, or brought upon a Lock; especially when he owns, *That tho' he's sworn to a Protestant Successor, whom he knows to be so and so restricted by the English Acts, referred to in the Oath;* yet not as he's

so ty'd, or restricted &c. Whence one may see, not only a Contradiction here; but to's first Argument, pag: 65. for AS and WHICH being the same, otherwise he's sworn to the Successor, as ty'd by the Acts, *to j yn in Communion of the Church of England, and take their Coronation Oath;* for according to all Logicians, References, Additions or Incidental Propositions, as they speak, are either extensive, or restrictive; but this Reference in the Oath can't be laid to be restrictive, to one thing in the Acts more than another, considering its comprehensive Words, and what is excerpted out of the Acts, *viz.* The Word Protestant, is as necessary by Law to the Successor after his coming to the Throne, as before it; so that this Reference is extensive, and takes in all that concerns the Succession, or Successor, in the Acts; which is clear (not to be nice about AS or WHICH with others) from what is own'd by all in Reason, to constitute an universal or extensive Reference, or Reduplication, *viz.* a necessary Consequent; which the Provisions of Government are, with the Concession of all, by Law, to the Limitations of Entail. I would ask, 4. How their different Thoughts, as to what's above specified, agree with the Author of the Letter, his saying, *That the Union being a Security for each Nation their Reserved Rights, the Oath is to be understood with a View to these:* According to whom, and others, who approve of the Union, as we've heard already, the Takers of this Oath may, and ought to swear, not only to the reserved Rights of Scotland, tho' it never had, nor hath in the least a Reference thereto; and at the same Time to the English Rights Civil and Ecclesiastick: For the Union is said at one and the same Time to secure both: But yet this to be an unreasonable Inconsistency is manifest, not only from what was advanced by others against the Union, and its hurtful Effects since; particularly to Scotland; but from this Oath's being in it's first Contrivance and Design, a separate, stronger and more special Security to the reserved Rights of England, which is, as if after another Person and I had stipulated anent such and such Rights, to each of us; he'll have me to swear an Oath, without any Alteration of it for my Ease, which was antecedently to the Stipulation framed, for a special Security to his Reserved Rights; tho' several of my Rights be alienate by his Means; and he will not swear to me for my Security, notwithstanding that this is equally reasonable in Consequence of the Stipulation; but some of my protest Friends being Placebo's, or alwise ready to gratifie the strongest Party, says, *The Oath can only in Reason be understood with respect to my own Reserved Rights,* whereas it relates not at all to these, but to my Neighbour's, who hereby wou'd be put in a greater Capacity to wrong me further: The Cases being exactly the same; its referred to any rational Man, if he wou'd do this in's private secular Concerns; especially considering, that contrary to an Old Covenant betwixt him and me, for the Security of our Religion, Rights and Liberties, he hath set up his own Whinies and Fancies, notwithstanding that

that the said Covenant is still binding on him and me, the Matter of it being lawful and for the good of us both ; for ( once to use an Argument ad *Hominem* ) these who were for the *Union*, never designed, neither will they say, *That it should expire with its Makers.*

Tho' Pag. 52, 53. He hath a pitifull Fallacy, viz. That the Successor shou'd come in Communion with the Church of *England*, is not said or express in the Oath ; therefore it was never intended, &c. yet such is the Confidence of the Anwerer to the *Display*. Pag: That he hath the same upon the matter : According to which, to use a Retortion, a Parliamentary Right is not express in the Oath, therefore it was never intended ; it was easly to add in the Oath after *Protestant*, beside which all other Provisions in the Acts are Excluded from the Oath ; but this is not insert, therefore they're all taken in ; which is as strong for their Inclusion, as his for their Exclusion ; and what casts the Scales on my side is, the express design of securing the Church of *England* as Established by Law in the first Enacting of this Oath ; and that in Law and Reason both an Exceptive Clause is added, where *Seclusions* are intended.

He loses his Plea, Pag. 53. 54. when with the former Authors he grants AS to be causal oft times ; and that as *Act. 17. 28.* regards no more than these Words, *for we are all his Offspring, &c.* For, 1. Causal Provisions are own'd by all to be the Strongest of Reduplications, thus the plain meaning of the reference wou'd be, *I promise to maintain the Protestant Succession, &c.* Because its settled in such Acts, that is upon such Terms and Conditions in these Acts. 2. He perverts the Question as to the Citation out of *Acts 17. 28.* When he says, ' Will any Man imagine the Apostle to adopt for Canonicall Scripture, all that *Aratus* wrote of the course of the *Heathens*, &c.' for there's a great difference betwixt the Apostles citing a Sentence out of *Aratus* to illustrate his Doctrine, and his Adopting of it for Canonical Scripture ; this being to Confound the solid Distinction Divines use betwixt what's said in Scripture, *Dogmatick & Apprehensive*, and what is said *Redicative or Historick*. 3. AS cited in the foresaid Text Reduplicates, not only upon the short Sentence express, *for we are all his Off-spring* ; but on the preceeding words in that Verse ; and all that *Aratus* wrote to the same purpose, viz. Anent Man's Creation by GOD after his own Image according to's Apprehensions of it ; as is plain from the Particle FOR, which supposes more to proceed to the same effect, and this Author cannot deny, but *Aratus* wrote more than the few Words cited ; and it's further clear from the Apostle's scope of proving Idolatry to be impious, being as much as if he had said, you being with the Concession of one of your own Poets made by God, ye shou'd not Worship the workmanship of your own Hands ; but He that Created you ; and who except a Child would say, seeing GOD is a Spirit as Poets tell us, that AS here takes in only that Sentence, *God is a Spirit, as if the Poets*

Poets wrote no more of that Subject. Whereas the Apostle cites but a small part of what *Ariatus* had said as a Specimen or Swatch of what he treated more fully to the same purpose; so the Word *Protestant* brings all the Provisions out of the Acts into the Oath, which can't be denied to be to the same purpose, *viz.* For securing the *English Rights*, for which allo the Successor must be a Protestant. 4. If *AS* were prefixt to a Citation of an Author or Record, in which no more is to be found to that purpose than what is expressly cited, it meets not this case, where the Acts referred to by the Oath contains many things binding on the Successor, beside his being Protestant: Which cuts off what he says, Pag. 55. 56. where he advances a strange notion, which he can never Establish, *viz.* That one instance or express Specification of a particular, excludes all others not mentioned, tho' the Law repeals them not; for beside what is formerly hinted, this arguing Identifies a particular and exclusive Proposition, which all know to be distinct and pernicious to humane Society, because at this rate, if I Transact with my Neighbour on several conditions, more or less principal and weighty, all at first exprest, and afterwards tell him to perform, or give Security for what was principal, he might elude this Compact, and say, *I had past from all the rest of the Conditions, because I had only at such a time mentioned the principal and no more:* While I'm sure, I had not past from any of them by any Declaration or deed of mine: Which also enervates what some advances from the Preamble of 14. Act of the 6<sup>th</sup> Year of Queen *Ann*, *viz.* *That the security of the Church of England as by Law Established, tho' at first intended by this Oath, is now laid aside, in respect that the forecited Act mentions only the discovery of Disaffected Persons, &c.* As a Reason for imposing this Oath of new; for the first Reasons for imposing this Oath are not repealed: Its Notour this Parliament is for the foresaid security of the Church of *England*, and therefore any ease was refused to us by the Majority of it; and this Argument being drawn from a negative Testimony can never exclude what's positive.

His Lameness and Partiality in framing the Argument from the Penalties, Pag: 56. is so obvious, that I need not stay upon it; nor on's Thrafonick boasting, Pag. 57. That *AS* is still Indicative, when Circumstantiate as in the Oath, to which beside what is said, I oppone, 1 *Kings* 3. 6. & 9. 4. *Chron.* 7. 17. where in spite of his Cavils, *AS* takes in all *David's* Good and Religious Behaviour in's publick and private Acts, as well as the general of walking uprightly that's exprest; Not to stay upon many instances against his confidence in *Prynn's power of Parliament*, particularly part, 2. Pag. 82. 86. I only condescend on this in the Act first appointing the Oath, for maintainance of the Church of *England*, as by Law Established; which is exactly the same with the reference in this Oath; so that to the Conviction of any not utterly willfull, *AS* here taking in not only the maintainance of the Church foresaid in general, which is exprest, but the Legal Rights of Bishops

Bishops, and the Clergy, the Rituals or Ceremonies, and the like, settled by Law in England; the word Protestant, which is express, is not only brought into this Oath, about which there is no controversy, but all its legal Restrictions contain'd in the Acts, while the reference to them stands in this Oath.

From Pag. 69. to 73 He advances four Reasons for *AS* and *WHICH* being the same; and to evince that the Oath takes not in the Provisions, the first two of which are obviate already, viz. That *AS* and *WHICH* are the same in the Sense of the Parliament, as he's informed; according to which he Swears this Sense only supported by a Report, which is with great moral certainty Contradict'd; not to speak what many think, viz. That tho' *AS* and *WHICH* were the same, yet the difficulty is not removed; because, if one Swear to Presbyterian Government, *AS* or *WHICH* is settled on the *Act.* 1592, he's Sworn to all in that Act, unless the Parliament made Exceptions, as in 1690. The second Reason is taken from the Commission's Declaration, and the Queen's Acceptance of it, which is meer Stuff, as is plain from *Essay*, Pag. 15, 16. As to the first Reason, and the *White Swan* Pag. 12. As to the second Reason.

His third Reason, Pag. 67. Being drawn from the High Church Divines their neglect to improve the Reduplication of the Reference against the Separation of Dissenters in *England*. Its Answered, 1. An Argument from a negative such as this, concludes not, being the same with this; such an advantage was never improven, therefore it was never given, which very common Sense teaches to be inconsequential; so that it was more native; considering the Sagacity of the *English*, to infer, that if any advantage was got by this Oath against the Dissenters, they forbear to use it upon prudential considerations, which is ordinary and usual enough; at least till a convenient Season for using or improving it be offered. 2. Suppose the Dissenters in *England* had taken this Oath in the Reduplicative Sense; yet it does not follow that therefore they're Schismatics, or such as without Reason or any just Grounds separate from the Church of *England*. Because, 1. To give consent to, or Approbation (even by Oath) the Legal Establishment of a corrupt Church, and to join in Communion with her, are different things; by the Oath the former is intended but not the latter; tho' the Successor is bound to both; for it can't be unknown to this Author, that some Princes in *Germany* are bound by Oath to preserve the separate Rights of both Popish and Protestant Subjects as to matters of Religion, without joyning in one anothers special way of Worship. See *Remarks*, Pag. 47. 2. The Dissenters in *England* come under no bond by this Oath to join in Communion with the Church, being wholly unconcerned therewith; and only Swearing, that the Successor should join in the foresaid Communion; as when a Person Swears to anothers Right according to Law, Valid or not, he's not bound

thereupon to share in that Right. 3. The Dissenters in *England* might not at first see this consequence, which is incident to the most Perspicacious; so that it can't with Justice or Reason be charg'd upon them, as these Authors argue in their own case. See *Abjuration noGround of Separation*, Pag. 16. 19. 4. Its well known, that Church Communion stands upon Grounds utterly remote from this Authors Reason; so that its a new Invention of his own, for what I know: But what if many Dissenters in *England* allow of the Reduplication, and thereupon frequently hear Low Church Men; on that score I think this Author must seek a new Reason.

His fourth Reason, from Pag. 68. to 73. Anent the throwing out by a Committee of the whole House of Commons, of an express clause for the security of the Church of *England*, &c. is well answered and taken off by the *Essay*, Pag: 21, 22. To which I only add, 1. The *Tories* might have such Politick Reasons for the Adjection of this Clause, which neither this Author nor I can dive into; such as the preventing of Presbyterians from denying their Obligation to support the *English* Church, and the like; but yet the foresighty *Whiggs* might be well content with the Reference, as it stands now in the Oath, as being very sensible that it carrys security enough to the foresaid Church; and that the inserting of the express clause wou'd deter all the precise Presbyterians from going into it, which was carefully to be avoided. 2. Seeing the *English* Monarchy or Regal Government is but coucht, and indirectly or consequentially secured in this Oath, from several Words in it, and the rejected clause contained it more exprely: It follows that both Monarchy and Church foresaid are equally secured by this Oath, the security of both being exprely designed in the first appointment of this Oath; or else according to this Authors Argument, the Monarchy hath no security by it, which none alledges; and if it be secured by this Oath, as this Author says, then the foresaid Church is likewile secured by the Reference in the Oath.

Page 73, He says, *Its needless to seek the express Declaration what the Oath means; for its Sense may be had, as that of other Writers, from probable Evidences, &c. Otherwise a new Revelation from Heaven were necessary, in order to swear the Sense of any Text in the Bible.* As to which Observe, 1. To Collect the meaning of an Author or Speaker, which one is not to swear and to gather the Sense of an Oath according to the Mind of the Impolers, are different things; So that what may be satisfying as to the former, will not warrant the Latter, Considering, 2. A Collection from Circumstances and Matters of Fact not certainly known, is lyable to mistake, and so can't be sworn in Truth; For the Government requires not what we think or Guess to be the Sense of this Oath; but what they reckon to be its Sense, and a Security to them; wherefore an express Declaration was necessary, being usual in cases of Demur and Scruple: Especially seeing

seeing he owns, page 67. That the Commission was at pains to know the Mind of the Lawgiver. 3. An Oath given on probable Evidences, can never be quieting to tender Consciences; for probabilities are at best but appearances and contradistinct from certainties. Its very unsavoury and offensive, that he compares the words of this Oath or any words of Humane Composure only with the Divine Oracles, which are so plain in Matters absolutely necessary, that to say they need a new Revelation before their Sense cou'd be sworn, is on the Matter to Impeach at once both the Infinite Wisdom and Goodness of GOD. 5. Its Disingenuity to call the Rejected Clause in the Committee foresaid, an express Declaration of the Sense of the Parliament; when at the same time he calls it a Sense gather'd from probable evidences. So inconsistent is he also. 6. Seeing he lays weight on English Dictionaries, why not on Cole, who says *Intail* is tyed to such and such Conditions without the least hint of the Jurants their New Coin'd Distinction betwixt Limitations of *Intail* and provisions of Government. 7. If the Jurants had the plain Sense of the Oath, it was needless to protest that they took it in such a Sense.

Page 74. He hath a singular inconsistent Notion, That Heartily, Willingly, &c. Respects only the Matter and not the Manner of doing it upon Oath, as if the Matter of it were not Sworn.

I observe page 75. he's little imprest with the danger of as bad or worse Oaths being Impos'd; and as little touch't with the Dismal Effects of Splitting about this Oath, when he says, *We must Anticipat our Sufferings and State them upon an untryable Ground; and our Strength lyas in Harmony with the Government on our side, &c.* Whereas he shou'd mind ill beginnings shou'd be resisted, especially when our very Church and Nation are like to be taken away; and the Light of Nature teaches us, that we shou'd rather suffer than tamely submit to the utter Ruine of both; And that the greater our Common danger is, we shou'd according to the Word of GOD, be the more closely United among our selves, which was ever cry'd up till now; a plain Indication that Unity is with him only a present Convenience, considering that there's little appearance of our Enemies Uniting with us, who have been so forward to contrive, and in a great measure to procure our overthrow.

Pag. 76. Tho' he's for uniting with the Government (which all good Men are for as well as he, in so far as they can with a good Conscience) yet he represents them as very cruel, to frighten, no doubt, his timerous Brethren into this Oath, telling them, *That above two thousand were turned out in England 1662 for Non-conformity; And, That the Sovereign, tho' cloath'd with the Executive Power, can't stop the Execution of Laws; Penalties he surely means, which they may believe, who list, for me, if they can: By which it appears, that he mistakes the modern Politicks, which look not, as*

if our Enemies would ruine us all at once, and by Violence : Wherefore it had been safest to've forborn this Oath unanimously ; seing there's little Probability of our standing by the Courles already taken, which involve Jurants in a sinful Accession to what Troubles the Recusants may be expoſed to ; in respect that the Jurors wiſht, and appeared for this Oath, at least many of them ; and ſtill stand up for the Union, the Channel of the Oath's Transmission to us ; So that we being like an Army attack'd by a Stratagem, ſuch of us as defert, and flee away to a preſent Shelter only, shamefully expoſe thofe, who ſtand their Ground, to the Fury of the Common Enemy, whose Design is near accomplished by ſuch a ſplitting.

From pag. 77 to 88, I can ſee nothing, but Reflections on all the People, as an humorous Mob, depoſing Ministers, dictating, &c. for being againſt the Oath, and deferting of Jurants, ſeveral Mistakes, Detortions and Incoſſencies, together with a designing Confidence, *That few Ministers will refuse the Oath, few People will defert the Takers of it :* And in a Word, ſeveral Grounds of his Hope, *That mural Forbearances will be ſtudied from the Recommendation of it by the Assembly, Commission and Synods ;* which how groundleſs the Event, and Vehemence of many Jurants, hath already manifested.

Pag. 79. In very unsuitable Words, he ſays, *Good Order and Christianity both oblige us to prefer the Magistrat's Authority to that of the Mob ; and in all Competitions betwixt the two, in things lawful, to obey the former, rather than the latter :* Where he obviouſly perverts the State of the Question, which ſhou'd be, Whether the Magistrat's Command in things lawful or indifferent ſhou'd be preferred to the People's Edification, when they interier or compet ? And as to this, his Mind in the former Words goes counter to the holy and Divinely inspired Resolution of the Apostle, 1 Cor. 8. 13. *Wherefore, if Meat make my Brother offend, I will eat no Flesh, while the World standeth, leſt I make my Brother offend.* Of which the Reaſon is very strong. Viz. To do a lawful thing with Offence is Sin, that can never be commanded, or warranted by any humane Authority : And beſides, we're bound to prevent Offence-taking in others, what in us lies : And all Power Civil and Ecclesiastick is given not for Destruction, but the Spiritual and Temporal Good of the People : Its noticeable alſo, that he ſays, *The Scripture commands us to be ſubject to the higher Powers, but no where enjoins us to obey the Multitude :* Yet pag. 95. He's for obeying or following the Multitude, not only in England, but through Europe, or he's for or againſt Democracy on the Matter, as his Purpose requires. See White Swan, pag. 14. And with the ſame Incoſſency, pag. 88, he presses Unity in the Oath, tho' pag. 75, he was againſt it ; except on a larger Center : So that Harmony in their Measures is only Right Union and all, who conforrn not to their Model, are the worſt of Schismaticks.

From

From pag. 88 to 96. He enumerates Seven Inconveniences against the Refusal of this Oath, from the Severity of the Penalties, Disobedience of Lawful Authority and despising of Dignities, our Church Government will become precarious, the Loss of any legal Benefit against the tolerated Episcopalians, the Suspicion of Jacobitism, the Loss of Friends, particularly of Hanover's Friendship, and the wounding of the Protestant Succession: Upon all which, he makes designing Flourishes to draw, no doubt, others into this Oath; but without any just Ground, as appears from their being fully answered upon the Matter before, and very well by himself in another Case, they being future Contingencies, pag. 75, What if none of these apprehended evils follow? See Essay, pag. 30. And in case they happen, they're merely casual or accidental, as War's to the Gospel; and no way the genuine Effects of Recusancy (which he should have proven) Considering, 1. That the Queen own'd in Her Letter to the Assembly 1712, Our Loyalty, and true Concern for the Protestant Succession, to which our Steady Affection is so notorious, that, where True Friendship hath taken place, it can never be infring'd for one Simple Act of Recusancy, proceeding from many well grounded Scruples, which have not the least Tincture of Dissection. 2. If the unanimous Refusal of this Oath in all the Ministers of this Church, had made her Government Precarious, where were our Acts of Security and Union Treaty, as Jurants argue; especially considering, this Recusancy so circumstantiat, can never in Reason be reckon'd a Breach of it. Jurant Friends being strong, ought to bear with the Infirmities of the weak, and not push at them, because of different Sentiments or Practices, or through Prejudice unhinge our Constitutions; which is the Language not only of Jurants, but of Him who can not lie. 4. Let Equity determine, whether of these deserves Hannover's Friendship most, they who abjure his Competitor only for the present, and have publickly, at least severals of them, declar'd they'll swear to the Pretender if he come to the Throne: Or such as, tho' they have not taken this Oath, yet, will venture their All for Hannover, in Pursuance of their Principles and just Rights? 5. Tho' Papists maintain an Absolute Exemption of their Clergy from Subjection to Civil Powers, which pretended Immunity of theirs I detest and abhor; yet it does not follow, we should be for Absolute Subjection to Lawful Authority in all things, it being righter, in Cases of Competition, to obey GOD rather than Man, Acts 4.19. And this Author can't but know, (not to stay upon the Distinction some make betwixt Subjection and Obedience) that a *Negatione actu ad negationem Dispositionis vel habitus nulla sequela*, or One Swallow makes not the Spring; that is, its injurious in this, or any other Author, to infer Nonjurancy to be a Contempt of Dignities, which was unjustly imputed by open Enemies to Presbyterians; seeing one's Disposition, Inclination, and the Habitual Tendency of their Practice, may be very firm, and is known to be such, towards Lawful Powers, ev'n where

one Act, such as the taking of this Oath is, can't be perform'd. 6. Not to insist upon his begging of the Question, anent the *Lawfulness of this Oath*, and of the whole Legislative, as imposing it on the *Union Foot*, which is usual with all these Authors; there are many more Inconveniences actually ensued upon the taking of this Oath, which are so well known, to ballance what he birely alledges on the othe Side, that I need not stay to detail them; beside what the Author of the *White Swan*, *Pag.* adduces, against Ministers their taking of any Civil Oath.

Whence its evident, that his Questions *page 94, 95.* as the Issue of the Debate here, are quite mistated, and shou'd run thus, if a considerable Body of *Nonjurors* in the Church of *Scotland* shou'd lose their Ministry, the Peace of their Minds, and stumble a vast Number, if not the most part, of serious Godly People, by gratifying a somewhat greater Number of *Jurors*, who are mistaken? If Division in this Church shou'd not be guarded against, being ever fatal to her, and her former Reproach, and what Enemies visibly design, considering that *Jurors* may forbear this Oath without sin? Whether Recusants should incur the Displeasure of Friends, or of God, by finning against their own Light? Whether in case of Reflections and Offences on both sides, Ministers should not follow what's most denied like and come Nearest to these, whose Offence seems least willful, as *Durham on Scandal, Page 33. 34. When ones Ministry is broke at Home, if Friends Abroad can or will amend it?* If his preferring of Friends Abroad to these at Home, does not imply want of Natural Affection to's Native Countrey, and if a Religious immediate Concern for his Peoples Edification, the great End, next to God's Glory, for which he was cloath'd with the Ministry, if he be one, in *Scotland*; if this be not to Desert his own Countrey Men for Love of Strangers, and such of his own People as affect their uncouth Modes, I know not what it is: Much more might been said, but I weary of such Stuff.

From *Page 96. to 100.* He Caresses his Elders into a good Opinion of the Oath, which yet many have not receiv'd and I believe never will approve of it, upon his slender arguings, Evasions and smoothings, with some innuendo's against the *Nonjurors*, if they shou'd Preach in their own Vindication; of which before. I wish he and other *Jurants* were as diligent to gain Souls to Christ, as some of them are known to be very Sedulous to Prosolyte People into a conceit of this Oath, and to alienate them by all the Artifices of prejudice and Subtilty from *Nonjurors*.

In's Postscript, *Page 101.* To all his former New Distinctions he superadds another, viz. Betwixt the *Union* and the things Stipulated in it, as if the *Union* did not comprehend all things in it, and were not the same, however so different the particular Matters be, and as consider'd in themselves; and albeit some things on this Account be good, such as the Protestant

tant Succession, and perhaps, as he lays, *Some Regulations anent Trade, &c.* Yet they're nothing the better, but much the worse that they're set upon such an *Union*, which the Body of this Nation found and judged in the time of it, to be most dangerous and hurtful, complextly considered: He forgets what may be an Advantage in it self, cease to be so, when clogg'd with many down weighing disadvantages, and confounds things separate and Disjoins what's United.

*Page 102.* Because the words of the Oath are the same, after the *Union* as before it, he thinks the Oath Relates not to the *Union*, which is not only Childish, seeing many Boyes can inform him that the same words have often different, yea, opposite Significations, which vary according to the Circumstances of the things they're used to express, as we heard already, and may hear more; but contradictory to the exp'rels Appointment of the *Union Parliament, anent Realm, &c.* and to Common Reason, being as much as this, because a thing is not Sworn to, before it exist, *non Entus nulle sunt affectionis*; Therefore when it hath a Being, its not sworn to, tho' words in the Oath are expressly Appointed to signify such a thing: This is to argue against Notour Matter of Fact.

From *Page 103*, to *107*. He brings another New and Nice Distinction; viz. That the Church of England as Protestant, but not as Establish't by Law is leuured by this Oath; Because the former is substantial; the latter only Circumstantial; which the English hath not said; but on the contrary says in the Act first appointing this Oath, that the Maintainance of their Church as by Law Establish't, among others, is designed by this Oath: Upon which I only propose these two, 1. When we heard of the Church of England, did we not all understand thereby such a Protestant Hierarchick Church, so and so Constitute by Law? Was not this our ordinary thought of her? Is it not a Groundles Imagination to Gull the People for any to say, that the Church of England is only to be secured as Protestant, when neither the Oath, nor Acts referred to, contain any such thing; but on the contrary her Legal Establishment, as well as the Protestant Religion and Succession, are expressly design'd to be secur'd by this Oath? Can any Body believe that her Hierarchick and Legall Constitutions are in no hazard from a Popish Prince, who mind what they suffered in Queen Mary's Days? Or is the Church of England her Protestant Doctrine only the Eye sore of Papists? Is it forgotten what King James 7th, did to the Vice-Chancellor of Cambridge, and the Fellows of Magdalen Colledge in Oxford? How is this Distinction consistent with the Fawnings of many Jurants upon L w Church as their greatest Bulwark? What sufficient Documents produce they for extending or rather Confining this Security to the Church of England her Protestant Doctrine? Is not this to interpret the Oath contrary to the plain intention of the Oath makers; of which enough

enough. 2. May not the British Parliament by the same Distinction utterly overturn our *Act of Security*? And tell us that in it any *Security* the Church of England obtained, is only to be understood of her as Protestant; And so farewell Presbytery, and much more, by the help of our own Jurants, who teaches them, viz. the Parliament, how to Cashier our Ecclesiastick Constitutions: Alas! does not this look like a judicial Infatuation? *Vitia dum Vitant, &c.*

From pag. 107 to 112. He refutes on two worthy Authors against the Oath, Viz. *The Oath of Abjuration considered, and enquired into*; and makes some Insinuations of their Disaffection to Hanover, particularly the first Author is represented, as against him; and as sensible, that his Scruples are minute, which was his Modesty; but this Author's Candor is such, that he does not narrate likewise, *That the Author of the Oath consider'd said some of his Scruples were of the outmost Importance, &c.*

I may not stay upon his carelessness of the Lutherans, and his extenuating of *Consubstantiation*; tho' it agrees with *Transubstantiation*, as to CHRIST's Bodily Presence and *Ubiquitism*, differing only in the Manner of that Presence. However, what these honest Authors advance is untouched by the *Dialogue*; only what was laid anent the *Commission their Letter*, and some Matters of Fact are quarrelled without Ground, as they may be seen *Essay pag. 20.*

Upon Information, pag. 112. That some Recusants would lay aside the Exercise of their Ministry, he proposes three Queries, plainly tending to reflect upon such, as unfaithful: In answer to which ( tho' I'm far from defending the sinful Silence of any ) these following Counter - Queries are propoed.

\* 1. How does his Queries against these, who lay aside the Exercise of their Ministry, consist with his former Judgment, *That the Exercise of it within the Queen's Dominions, was the Penalty of Recusancy very justly?*

2. How the severe Penalties, the Execution of which cou'd not be stopt by the Sovereign, are but ( as he here calls them ) some apprehended Inconveniences?

3. How these Queries are Reconcil'd to the Jurants their Unwillingness, and refusing to promise not to declare *Nenjurants* Churches Vacant?

4. How the Scope of his Queries agrees with the common and usual Demissions of his Brethren, where no such Dangers and Difficulties appear?

5. Are there no Cases, in which the Exercise of the Ministry may be safely forborn, at least for a Time? Whatever this Author judge, I'm sure very good Casuists think otherwise: See *Vest. de Pol. Eccl. Part. 2. pag. 662, &c.*

6. Would it not be more faithfulness, and agreeable to the Acts of some Assemblies, That these Ministers should demit and forbear Preaching, who by

by Age, or other Emergents are uncapable to perform all the Parts of the Ministerial Office, or cannot edifie the Body of their People, being stumbled at them on many Accounts, that so their Room might be supply'd to greater Advantage? Did not the Priests and Levites go off at fifty? and shou'd others continue, meerly because they have taken this Oath; especially when otherwise they can subsist very well? Or does not this Author know, that according to the Word of GOD, sound Reason, the Constitution of several Reformed Churches, and the approv'd Practice of many eminent and pious Ministers, its the Judgment of very good Casuists, that the Peoples Edification shou'd be preferred to a Minister's Ease, or enjoyment of the Stipend; especially when so many pregnant Youths may be had?

## SECTION V. Containing Answers to the Vindication of Jurants.

**T**HIS Author is pleased to pass all Arguments against the Oath, as not worthy of his Notice, ( a short way of Answering, with which he and others of his way might be more deservedly treated, if they did not impose on many, when any thing from them, however so weak, is overpast) except what is debated upon the Reference to the English Acts.

From the beginning of his Pamphlet, to Pag. 18. He hath very little, if any thing at all that's new; his five Arguments against the Provisions their being included in the Oath, being the same upon the matter with the Reasonings we already noticed in the former Authors, as any Intelligent Reader will soon understand from the very Enumeration of them, viz. *The Provisions in the second Act come not into the Oath, because none pretend, that the Declaration in the first Act, against Commission Courts for Ecclesiastick Affairs as illegal; excessive Fines or Bail, and cruel punishments, &c. are brought into this Oath, Pag. 7. 8.* The Provisions, particularly, *the Successor's joining in Communion of the Church of England, are no Conditions of the Succession; because they are not required to be performed, either at the Successor's Election and Nomination, or before his coming to the Throne, Pag. 8, 9, 10. but after it; otherwise Faith would be the Condition of Justification, because its required in Persons justified.* His 3d. Argument from Pag. 12 to 16, is, the Abjuration only relates to the Succession, and its Limitations; because Page 12, the Provisions restrict not the Crown to *Hannover*, more than to *Prussia*. And Page 13, 14, 15. The *English* promise, as we heard before, *To maintain the Succession and Limitations to Princess Sophia, &c.* His fourth, Pag. 16, 17. is, The Provisions are further Securities, from the Clause before notic'd; *Its necessary that some further Provision be made, for the Security of our Religion, Laws, &c.* His 5th Argument, Pag. 17, 18. The Limitations and Provisions are distinct and different things, because the Provisions are mentioned in the second Act, after the further and said Limitation takes effect, &c. From all which he draws the Inference, *That the Oath is not concern'd with the Provisions.*

Not to stay upon his Naked Repetition of some of these Arguments, Pag. 4, 5. and his bare Assertion without Proof, That the Declarations foresaid in the first Act, Pag. 7. and the Provisions in the second Act, Pag. 11. have no relation to the Succession. I subjoin the following Remarks and Answers, (beside what was said before) because he hath some new Amplifications of his own, already hinted at in the foregoing Representation of his Arguments.

1. That which Limits the Crown, being either the Civil and Religious Rights of the Subjects secur'd by Law, as its Supreme End, or the Qualifications of the Successors, as a proper mean, tending most effectually to the Security of the foresaid Rights; it's plain that the Declarations anent these Rights in the first Act, are on the Matter provisions, Restrictions, or Limitations as to the Successor's Inheriting of the Crown; for what end else are such Declarations made? Why are provisions early pitch'd upon and Enacted, if it be not to shew that the Law lays an Obligation upon the Successor to perform them some time or another? Was not our *Act of Security* before the *Union*, fram'd to let the Successor know upon what Terms or Conditions he was to Accept and Enjoy our Crown? Which yet is further evident from the express Design of the first framers of this Oath, who appointed it to be taken, not only for the preservation of the Protestant Religion, the Maintainance of the Church of *England* as by Law Establish't, but for preserving their *Ancient and undoubted Rights, &c.* among which the *English* justly reckon several of the Rights in the first Act; So that this Oath binds it takers to own and endeavour the Security of these Rights, while the *English* acclaim them as such; Ev'n as the Subjects in *Scotland* wou'd been oblig'd to see in their Stations, to the Security of what Rights were contain'd in their *Claim of Right*, if their *Convention of States* had Impos'd an Oath upon them with this express intention, and with such like words in it, *We swear to maintain the Descent of the Crown upon King William and Q. Mary, as it is settled in such a Declaration or Claim of Right.* However it was needless for this Author to quibble so much here, seeing a Reason, why some against this Oath insist not upon the foresaid Declarations of Rights in the first Act, is, because they quarrel no Right that's Just or Consistent with *Presbyterian Principles*, which can't be said of the provisions under Debate.

2. If this Author, or any for him, had produc'd as express a seclusion of the provisions from the Oath, as the Scripture does of Good Works, from being a condition of Justification, he had said something to the purpose; But we've already heard there's no such Exclusion either in the Acts or Oath; so that this Simile spoils his Cause.

3. He very far mistakes not only the Nature of a Condition; but the several sorts of it, being usually distinguish't into Antecedent, Concomitant or Consequent; according to which, tho' not to *Marry a Papist*, be an Antecedent Condition, as some *Jurants* grant of the Succession or Successor, &c. Its required of him, before he come to the Throne, not to marry a *Papist*.

*Papist*; yet his joining with the *English Service* is a Concomitant or Consequent Condition. i. e. He's bound to Join with the foreaid Service at, and after his Accession to the Crown: Besides, Condition is used often for an impulsive Cause, thus not only the Safety of the *English Rights*, but the provisions are a Condition of the Succession, they being the principal Motive and inducement, for which the Protestant Succession is pitched upon: Condition is likewise frequently used for a Mean or Disposition, which qualifies or capacitates and fits Persons for such and such Rights or Privileges; Thus all the provisions, as well as what the Jurors call Limitations of *Entail*, are a condition of the Succession, they being means which qualifies the Successor for Inheriting and Enjoying the Crown.

4. *Faith* and *Justification* are distinct and different things; for its one thing to believe, another to be *justified*; and yet this Author says, *Faith is the Condition of Justification*, very inconsistently, when he denies, *That the Provisions are a Condition of the Succession*; because they're distinct from the Limitations of *Entail*: So that by his own Argument he must deny *Faith* to be the Condition of *Justification*, or else grant, that the Provisions are the Conditions of the Succession, tho' differing from the Limitation, as before.

5. To be a *Protestant*, not to marry a *Papist*, as little confines, or restricts the Succession to one Family more than to another, as the Provisions: Whence its evident, if this Argument of his hold, he must either renounce the Limitations of *Entail*, as Conditions of it; or contrary to Law and Reason, own he's only sworn to the Persons, who are to succeed, upon their bare Nomination, or else yield, That the *Provisions and Limitations equally affect the Succession*: Especially considering,

6. Its impossible for any Man to form an *Idea* of a Succession to an Estate, or Crown, without including the Successors or Persons, who are to succeed; so that what ever affects the one must affect the other; which is further manifest from these Considerations: None can pretend, That the Parliament hath settled the Crown on *Hannover*, by a simple *Destination*, as our Law speaks, without Conditions and Provisions, who reads the Acts referred to in the Oath: The Crown is said to be *settled and limited*, which not only intends the Parliament's Consent to *Hannover's Right*; but to's actual Possession of it, on such and such *Limitations or Provisions* in the Acts; to secure all which, as far as its in humane Power, they have imposed this Oath.

7. If the Limitations be sworn to, as this and other Authors grant, Why was the Word *limited* struck out? And what hinders the Provisions from being sworn to? seing what they call *Limitations of Entail* are as really Conditions of Government, or legal Injunctions upon the Successor, as well as what they call *Provisions*, they being in the Scope of the Law, as necessary, for preserving the Subjects their Rights, and the well governing of them, as the other. If it be said, The Word *limited* was cancell'd, to indulge us

In a Mistake : I answer, why might not we've been indulg'd in another Mistake, as Jurants speak, by striking out the whole Reference ? But how feasible this cunning Evasion is, that our Friends indulg'd us in a mistake, and our Enemies would not, let any Body determine, who considers, that by't our Jurants are teaching our Enemies to tell us, That all hitherto done in favours of the Church of Scotland, was to indulge us in Mistakes ; therefore they'll do so no more ; but remove our Mistakes, by settling the English Service among us, which they think best and rightest.

8. Further Securities, or Provisions for Religion, &c. are Words so far from evincing, That the Provisions belong not to the Succession, as Conditions thereof, that they clear the contrary ; for the Parliament finding That the former Provisions, which Jurants call Limitations of Entail, were not sufficient Security, for their establish'd Religion ; therefore added the Provisions, as more special and effectual Securities for their Legal Rights ; which is supported by the Jurants their Acknowledgement, That the Protestant Succession secures no more the Church of England, than the Church of Scotland, and the Words further Limitation : Upon which, I ask this Author, If this excludes or not ? If he say, It excludes them, then he contradicts himself, and his Brethren, who frankly own all the Limitations to be taken in and sworn to : If he say, It excludes them not, as he must, then further Provision excludes not the Provisions from affecting the Succession and the Oath.

I need not insist upon this imputation of a Popish Circle, nor of what he says of the British and Dutch their designs in settling the new Emperor in Spain, who behove to Worship the Virgin Mary, &c. the Confederacy being on this and the like accounts much controverted ; and what hath been formerly said, will easily furnish Answers thereto ; & to what he speaks of promising to maintain the Confession of Faith, as its ratify'd in such an Act of Parliament ; for as what tends to or concerns that Ratification in the Act is promisit, so all provisions having a Relation to the settlement of the Crown, are Sworn to in this Oath : neither is it needful to stand upon the Expressing of his Disingenuity, from Pag. 19. to 24. where he he hath a great date of Confident and Groundless Assertions, such as, the Church of England hath no more security by this Abjuration than the Church of Scotland : That the Parliament missed their Intention of securing the Church of England as by Law Established : That Intentions are only known to GOD, which the Parliament regards not, providing concurrence be made for maintaining the Protestant Succession, and it be actually carried on. Whereas secret Intentions are only known to GOD ; but such as are manifest by words and deeds, not only in favours of the forelaid Succession, but to the Church of England as by Law Established ; and several other things are required by the Parliament, in their first Act appointing this Oath, as hath been abundantly clear'd. And its refer'd to all Impartial Reasonable Men, if the Parliament designing the security of the forelaid Church her legal Establishment by this Oath, which contains an express Reference to Acts that secures her to the utmost of humane

mane power, can be said to have mist their purpose; considering the Endearing Affections of the first and last Imposers of this Oath to the said Church, with a Palpable Byass in her Favours, of which many instances might be given, if they were not well enough known. From which its plain, that his common security to both Churches, flowing from the Protestant Succession, is a meer pretence without any Ground: But I need not stand on this, it being only an Enlargement on that Sophism in the Dialogue, a special security for the said Church in her legal Rights is not express in the Oath, therefore it was never intended, as if because I spoke not so and so, when and where somethings I shou'd have spoken, therefore never designed, what I expressly intended and made known, as I thought convenient and conducive to my purpose.

His new Supposition, Pag. 21. 22. aient an Act of the Roman Senate, for *Prayers to be made in all Religious Assemblies for the Emperors*, and their saying in that Act, *The Safety of the City and Empire, the Continuance of the Monarchy of Rome, and the Maintaintance of the Temples, &c.* comes to nothing: If we consider, 1. That no such Edict being put forth, as he supposes, we know not what the Primitive Christians would ha' done; its certain their Zeal far surpasst ours; whence, as Histories bear, they incur'd any hazard, rather than counteract their Principles. 2. There's a great difference betwixt praying for the Emperors, or fighting for the Liberties of their Country, these being plain Duties, and t'wearing a Complex Civil Oath, that in its Nature, Circumstances, and Reference, goes counter to our Scriptural Principles, such as this Oath is evinc'd to be: Wherefore, when he proves it to be as necessary and clear a Duty, as that of *Prayer for Kings, and all in Authority*, he might with some Reason have used this Resemblance: Besides, to save Men's Lives, and stand up for Natural and Civil Liberties, is an Indispensible Duty. But what lays this to the Maintaintance of a Corrupt Church, which should be reform'd, especially when she imposes her Corruptions on her Neighbours. 3. The Primitive Christians ordinarily shun'd Persecution, when in the Army; and were not requir'd to swear an Oath, with a Reference to Acts securing Paganish Superstition. 4. This Author can never produce any Documents from Approv'd Historians That the Roman Emperors were bound by an Act of the Senate, to Swear and maintain the Rights of Pagan Pontiffs; or that the Primitive Christians consented in less or more to the maintainance of these Rights; but that rather to the contrary, they did their outmost to abolish the same; for its well known, that many of the Roman Emperors exercised a Power paramount to that of the Senate and People both; and the Christians in these Days, excepting such as Apostatiz'd, guarded against symbolizing with Heathenish Rites.

From page 24. to the foot of page 28. He endeavours a laborious proof of a new and strange Thought indeed, viz. That by the Phrase these Acts may be for ever preserved Inviolable, the Parliament only intended the preservation of the Limitations of these Acts and no more: His proof a-

amounts to this much, the Parliament uses Acts, part of Acts and Limitations of Acts as the same, in their Style; and Princess Sophia, &c. gets Right to the Crown only by the Limitations; to which purpose he hath several Excerps out of the Acts of Parliament: But because his proof is a Strife about words, which the *Apostle* expressly forbids. I answer briefly, 1. He does not positively and clearly Explain what he means by Limitations; only we may Guess at it from his *Apparatus verborum*, that he intends thereby, such Persons as are Nominate in the Acts, and their Heirs, being Protestants; But yet, as we heard before, its plain from that part of the Act he cites page 13, which he calls the Limitations of the Act, *That the Protestant Successors are to be defended according to the Limitation of the Crown in that Act specified and contained, &c.* Whence nothing can be more clear than that Limitation, &c. there in the Sense of the Parliament, and their Style too intends somewhat more than the Persons Nominate immediately before and their Protestant Heirs; and what this is the Act tells us, viz. The provisions and Qualifications specified and contained therein, such as *not to marry a Papist, to take the English Coronation Oath, to join in Communion with the Church of England, &c.* for no thing else with Sense and Reason can be said to Mimit ahe Crown to Princess Sophia, &c. but the Parliaments Nomination or Election of her as next Heir, with the Embargue of such Conditions. 2. His restricted and Strained Gloss of that forecited Sentence, to the intent these *Acts may be for ever preserved inviolable*. viz. That its only the Limitation of these Acts that's to be preserved for ever inviolable, is not only contradictory to some of the former Authors, but to this Act, which expressly says, as before, *That the Limitations may Determine or cease*; which this Author must own to be true of Princess Sophia and her Heirs, as well as of Queen Ann and her Heirs; seeing they're Mortall, notwithstanding that their Persons are justly fence'd with the Sacred and Civil Hedge of Divine and Humane Laws. 3. Its submited to the Sense of Mankind, if it be not more Native and Rational to understand the foresaid Clause of all the Conditions and provisions as affecting the Protestant Succession, considering that not only others Skill'd in Law, but the Parliament uses Acts, Limitations and provisions, as the same things, and that the great Scope of the Acts, is to secure the Civil and Religious Rights of the Subjects, by pitching on Persons required to be so and so qualified. See Duke of Hamilton and Earl of R. their Proposall to the Scots Parliament 1704. And the Narrative of the Act first appointing this Oath, where its expressly said; *The Pretended Prince hath assumed the said Style and Title in open Defyance of the Provisions made for the Establishment of the Title and Succession of the Crown by the said several Acts, &c.* viz. These referr'd to in the Oath. Where observe, 1. That what they call'd the Limitations of the Acts, is here term'd Provisions. 2. They own the provisions to Establish the Title and Succession of the Crown, than which nothing can be plainer; See *Act 17. Parag. 3. of Queen Ann first Year*

year. 4. He may reconcile this Restricting Comment if he can, at his own Leisure; with the various glosses put upon Limitations by the forementioned Authors, particularly with their extensive Interpretation of English Acts, which are full and special by a General Clause in the last Scots Parliament, anent the Succession, of which before. 5. I desire him to Explain these Words, *Page 28.* The Provisions which they here speak of, were made by the Limitations of these two Acts, &c. For I Apprehend, Explain them as he will, he hath by them destroy'd the Fabrick he was so Intently Building. 6. The Parliament's style being peculiarly Emphatick, when they say, *to the intent therefore these Acts may be preserved forever Inviolable.* Its evident, they designed by the Oath to make all the Provisions contain'd in the Acts as effectual, as they cou'd, otherwise the Provisions not being repeated in the Act first enjoining the Oath, where the foresaid Clause is insert, the Parliament hath past from them, or Excluded them, not only from the Oath, but from the Acts, according to this and other Authors their Reasoning; which being utterly unfeasible, they must allow the Provisions to come into the Oath by the Reference, tho' not expressly specifyed therein; and since the Protestant Persons Elected to succeed, can't be preserved forever Inviolable. And none can say, that the Parliament only means by the foresaid Clause to keep either the Principles or Abstracts of these Acts in some sure custody forever, it remains therefore, that the Parliament designs, by the foresaid clause and the Oath enacted in pursuance of it, the Inviolable Preservations and Limitations; this being chiefly and only in their power, with the Confession of some Patrons of this Oath. See Letter to a Friend, anent this Oath. Pag.

Distrusting, as justly he might, what he had said, he proceeds from pag. 28 to 35. to adduce several Arguments, to prove, *That the Parliament intended only by the Oath, to secure the Limitations of the Acts in his Sense;* the first of which is taken from the Title of the Act, first enjoining this Oath, *Viz. The further Security of King William's Person, and of the Protestant Succession, &c.* The second is drawn from the forecited Sentence in the said Act, *Viz. The Pretender assuming the said Titles in Defyance of the Provisions, &c.* The third from these Words in the second Act, *Its necessary, to obviate all Debates anent pretended Titles to the Crown, &c.* The fourth is taken from the second Act's only intending the Limitations; because the first Act contains no more; otherwise the Parliament wou'd absurdly be supposed to understand the Word Acts in two different Senses, &c. The first is, *The Abjuration hath no Manner of Relation to the Provisions, &c.* Which he had frequently repeated *ad Nausiam usque:* This, with the Provisions having no Influence to secure the Protestant Succession, and prevent Debates about Titles to the Crown, is the Substance of what he says, as every unbyass'd Reader will perceive. But because these wordy Arguments are obviate by what was already said, I return to them shortly these Answers. 1. Tho' the Security of the Protestant Religion and Succession be the principal things, intended by this Oath, according to the Title of the Act; yet what's secondary

secondary, or less principal, being expressly designed in the Act, to be secured by the Oath, can never be excluded; such as the *Maintainance of the Church of England, as by Law established*; which ocular Inspection into the Body of the Act confirms. 2. It can never be suppos'd, That the Parliament, designing expressly to secure the Legal Establishment of the foresaid Church, by this Oath, could with any Consistency exclude from it the Provisions, which with the Concession of all specially secures her, while the Oath refers to the Acts containing them; to imagine this, is to speak against the very Letter of the Law, and to charge the Parliament with the greatest Absurdity, *viz.* an unreasonable Self contradiction, which none can suppose of such a wise Assembly, a great Body of which were known to be zealous for their beloved Mother Church. The Provisions are so far from contributing nothing to the Safety of a King and his Successors, that they're the very Basis and Foundation, on which it chiefly depends; for a People's Conditions of Government being broke and unhang'd, or their Right neglected and invaded; for the Security of which, such qualified Kings and Successors are elected, they (the King and his Successors) can expect no Safety in their Rights to govern, and inherite the Crown, as the Civil History of several Nations abundantly testifies, of which the late Revolution is a pregnant Instance. 4. When the Pretender assum'd the *Title of King, &c.* he did it not only *in open Defyance of Queen Anne and Hanover*; but of the Provisions, as the Parliament expressly say; for if one invade another's Right or Title, he does it principally in defyance of the Grounds and Provisions, on which his Right is founded and subsists, as being null and invalid; so that to frustrate and crush this Arrogance, in so far as it was illegal and injurious, the Parliament is justly supposed to make all the Provisions inviolable by this Oath: Especially considering, 5. That the Provisions have a strong and native Influence, for preventing Debates anent pretended Titles to the Crown, particularly when sworn to, being by them, all *Popish and Presbyterian* Pretenders are cut off, who can never, if true to their Principles, acquiesce in them; for how can a Certainty in the Protestant Succession, as the Act speaks, be maintain'd, but by the Ratification of such Provisions or Conditions, as the Protestant Successor may, and will go into, as is clear from the Words in the second Act, *To which (viz. Succession) we may have Recourse for Protection*, (in their Religious and Civil Rights, no doubt) which they only can expect from the Protestant Succession, so and so qualified and cloathed with such and such Provisions, and accepting of them. 6. I can see no Absurdity, if the Parliament understand by *Acts, the Declarations anent the Rights of the Subject*, in the first, and the Provisions in the second Act, for their Security, together with the Limitations, in his Sense; this being to understand things without straining, and really as they are in their own Nature, and according to Matter of Fact; and considering, that the Protestant Succession alone, or as by the Precisions of Jurants, separate from the Conditions and Provisions, can never answer the Design and Native

tive of the Acts, referred to by the Oath : I need not stand upon his Exposition of the Word Crown in the Oath, viz. either the British Crown only, or in so far as its English, from pag. 35, to the Close of his Vindication ; by which indeed he canvells what the Dialogue said, pag. For its the British Crown only, that's now meant, according to the express Appointement of the Union Parliament, anent the Word Crown, as was nottic'd before ; but how this can be sworn to, as settled by the English Acts, in the Oath, without formal lying and Perjury, I know not, when its certain, that the Scots Crown, a part of the British Crown, according to the Union, is not settled by the foresaid Acts. See *Essay*.

Wherefore I conclude with this Author, passing all his contemptuous Reflections on the Nonjurants, with this Desire, that he would reconcile his acknowledgement of this Oath, That it binds th Swearers to make the Protestant Succession effectual and actually to carry it on, Pag. 6, 21. With the former Authors their Abjuring the Pretender, and swearing to Hanover only for the present Time : So much do Jurants vary, and differ in what they've sworn ; which puts me in Mind of an Episcopal Jurant (as its credibly informed) who being challeng'd for drinking the Pretender's Health, on the very Night after he had abjured him, answered, The Presbyterians understood the Oath only de presenti, and he was sure the present Time, was over, several Hours being past, since he had taken the Oath. Pudeat hæc opprobria nobis.

## SECTION VI. Containing Answers to the Oath of Abjuration no Ground of Separation.

**B**ecause the Answers already given have exceeded their intended Brevity, my Spare Hours for this Work are very few ; and in respect, that I understand an abler Pen is engag'd against this Author, it shall Suffice me to make the following Remarks.

He says, Page 5. Love and Peace, or Unity, is in some respects to Christians, what the Worship of GOD was to the Jews, a principal Law of their Religion, and the most distinguishing Mark of their Profession, &c. Which is very dangerous and unsound, as all his popular and pathetick Rhetorizations are in Favours of Peace, without Caution : For 1. The Worship of GOD to Jews and Christians both, was, and is a fundamental Article of true Religion ; which I never read nor heard any say of Love and Unity. 2. Love and Unity, simply consider'd, are own'd by all, so far as I know, to be Things Indifferent, and neither morally good nor evil ; but according to the Goodness or Badness of the Things, in which Peace and Love are begun and main-tain'd, which is clear from these Considerations.

1. The Scriptures expressly limit Love and Peace to Truth, Zech. 8. 19. Holiness, Heb. 12. 14. Liberty, John 8. 36. and 14. 27. compar'd with Gal. 5. 1. Edification, Rom. 14. 19. A Moral Possibility, or to what in us lies

ties, Rom. 12. 18. which is its outmost Latitude; for there are some with whom its impossible to live peaceably, unless we sacrifice and enslave our very Consciences, and dearest Rights unto them; all which might be cleared at great Length from several other Scriptures, if time allow'd.

2. All the Interpreters, I have seen, restrict that Phrase, Heb. 12. 14. Without which no Man shall see the LORD, to Holiness and not to Peace; and own, That tho' Men can't be saved without Gospel-holiness; Yet they may die in CHRIST, and be eternally happy, who are deprived of a Church's Peace and Communion, for instance, by a groundless Excommunicacion or otherwise; so that its most uncharitable to condemn all Dissenters, even from a true Church, as the worst and grossest Sinners, who make CHRIST's Death of none Effect, as this Author does, pag. 35, 36, 38. &c. Whence,

3. Sound Principles, and a gracious, holy Conversion is a more distinguishing Character of Christianity, than Peace or Concord; which without there is reckon'd by many Divines, A Conspiracy in Sin; and by the Spirit of GOD. A Covenant, or Agreement with Hell and Death, Isa. 28. 15, 18.

4. The Scripture this Author cites, v. z. John 13. 35 By this shall all Men know, that ye are my Disciples, if ye Love one another, carries plainly in it a Restriction or Limitation of Love; for these words, My Disciples, shew that Mutual Love is to be superstructed upon our following or being Disciples of Christ in Divine Truths and Gospel Graces; Otherwise it wou'd be very Destructive and pernicious to's Church and Interest; and I doubt very much if any Man can shew how mutual Love is a Diagnosis of Christ's Disciples, more than of Plato's Scholars, or any other Society of Men; but in so far as its founded upon their practical and gracious Learning of Christ's Imitable Perfections: Whence its evident, that their following of him, as is said, most signally Discriminates them before the World from all others; and at best their Affection to one another rests on a Lustre upon that Difference, as is further manifest from Christ's Attestation, John 15. 18. That the World loveth all its own; and the chief Inducement or principal attractive of mutual Love among the Lord's followers, in Obedience to's Command, is their bearing upon them His impress Image; so far as it appears and can be discerned; on which very Score the wicked are to be lov'd, not for their wickedness, but because they have Souls made in the Likeness of God, and may have some Moral good things in them; and the Godly ought not to be lov'd for their Faults.

5. His Reverend Prefacers, Cautions, Love and Union, with the Scripture Phraze in the Lord; and justly premises thereto the Duty of Peoples Establishment in the Truth; but which is strange and can't be relishing to any sober and serious Christian, you'll find no such Caution anent the Peace prest through the whole of this Pamphlet; which looks Design like, as if he car'd for nothing so much, as what he calls Peace and Unity.

6. According to the best Description of true Peace that I cou'd ever meet with, viz. A Lawful and orderly Tranquillity of Minds and Things, which

Moller

Moller: in John, hath Page 646. *True Peace is a Right or dutiful Observance of what's incumbent upon us in our Respective Stations, and the keeping of things in their proper Channels;* Whence it appears that they're breakers of true Peace, who offend GOD and the Generation first and most by palpable Omissions and Commissions, who Enhance the Power of a Church Judicatory into the Hands of a few, this being reall Prelacy, and hinders Matters to be managed and carryed therein, according to the Principles of Parity, or the worth and weight of what is proposed by the several Members.

7. Tho' Serious and substantial Religion is very much decay'd among all Parties, which shou'd and will greatly affect sensible Christians; yet many who withdraw at present from the *Furans*, are known to love the Persons of their Enemies, pray for them, Value what appears to be good in them and to be ready to do them all the Offices of Piety and Humanity, which is the best and greatest part of Christian Love.

8. According to the Nature of love, and its common Definition by Moral Philosophers, viz. A strong Inclination of the Soul to joyn it self with what is, or appears to be good or convenient, Love is necessarily Instructed by a sound Understanding, as was said before; because there being not only honest, but profitable and pleasant good, that which is really sinfull and evil may be lov'd under the shew and appearance of good, as Experience and Observation daily teaches; especially considering, that Man's will is such that it desires no Evil as Evil; but what is Represented by the mind under the mask and guise of Suitableness or Conveniency for it; whence so many efforts in all Ages, and in this, have been used for procuring and maintaining carnal and present ease under the Glittering Names of Peace, Love and Unity, without a due regard to their necessary Qualifications, which makes them really blessed and desireable; and from the same corrupt Spring have proceeded all Rigorous Persecutions of and Vexatious proceedings against such, who retain a sound and Scriptural Sense of Peace, which is nothing else but prosperity in the ways of GOD and Virtue.

I cannot go in with the Author, Pag. 5. His saying that no command has been so general, and so Scandalously Violate, as this mutual Love; for the Nottour abounding of Immoralities among the crowd of People, contradicts it, while division hath not affected by a modest Calcul the fourth part of Presbyterians in Scotland.

Pag. 6. He forgets, as not making for his purpose, no doubt to tell us, that the Covenants binds us to more Duties than unity, and against more sins than Schism; as to which our harmony as a Gospel Duty, only appears in following of what's Duty, and opposing what's Sinful by such prudent faithful Measures as may most effectually reach the great Ends of all Duties and Unity, viz. *GOD's Glory and the Edification of Souls.*

I shall not stay to debate with this Author anent the several Causes of Separation, which from Pag. 6. to 11. He exerts from others; only with all Diference to any who may think otherwise, in my Judgement, the Imposition of sinful Terms of Communication, Usurpation, or Intrusion into the

Ministry, intollerable persecution, unjust Excommunication, the willfull Palliating and defence of Notour and Grievous Scandals, are plainly Reducible to Tyranny in Church Government and Discipline, they being native Branches and Fruits of it, as might be evinc'd, if time allow'd; so that the most Accurate Division of the just caules of Separation is that, which both Protestants and Papists own in the General, viz. Heresy, Idolatry and Tyranny in Discipline and Government.

What he cites from the Judicious Mr. J. H. Anent unwillingness to redress Notour offences, as a ground of Separation, is no such strictnes as he Insinuates, it being in my opinion, supported by what *Turretine* says, *de Secessione ab Ecclesia Romana*. Pag. 9. That Grievous and Irredeemable evils are just causes of Separation. Mr. G. R. Out of *Cyprian* and *Irenaeus* in's good old way. Pag. 255. That it was the Judgement of some Fathers, that a People might separate from a Bishop or Presbyter, whose Life was Scandalous.

But the greater difficulty and pinch is, how this Author will reconcile what he grants to be ground of Separation, with what he says, Pag. 21, 22. For tho he justly yeilds with others, that *Heresy* is a ground of Separation; yet he'l have Christ to forbid a Secession from the Church of the Jews, in which the Sadducees denied the Resurrection; and the Apostle *Paul* to command Communion with such in *Corinth*, tho' i *Cor. 15*. He proves the denial of the Resurrection to be such an Error as subverts the Christian Faith; yea, so Contradictory to himself is this Author, that albeit he granted that Usurpation, Persecution, and a wilfull neglect to remove gross Scandals warranted a Separation; yet he says, Christ enjoin'd Communion with the *Pharisees*, who were bitter Persecutors of Christ and his Followers, not only kept, but got the Priesthood by Bribery and Moyen, as some good Historians avouch, and wou'd not be reclaimed from their Scandalous, Superstitions, and Pernicious Traditions; but as if these blunders and inconsistencies were not enough; tho' Pag. 29 He says, *the Separation from the Jews in the Apostles time was warrantable*, yet Pag. 22. from *Act. 13, 14, 15, & 17. 1. 2.* He understands the Apostle's Preaching in the Synagogue to the Jews, and his disputing with them, to be a joyning in Church Communion with them; which how he'l make out, I'm yet to Learn; for he brings no proof of it: its true he says, they went not off from the Jews, till forc'd; but this helps him not. For, 1. *Voetius Pol. Eccles. Part. 3. Pag. 745, 746*, SAYS expressly, Its not likely to me, that Christ wou'd have Intruding Hirelings and Thieves ( speaking of the *Pharisees* and *Sadducees* ) to be heard by Believers, and such as desire their Salvation; where he Enumerates many Scriptures, and several Reasons, to prove ( contrary to what this Author advances ) that the Pious Jews heard the True and Orthodox Priests, in CHRIST's time, &c. which clears how we're to understand CHRIST's remitting of the Leper, *Mar. 8. 4.* to the Priests, which this Author cites; and *Luke 1, & 2 Chapters*, anent *Zacharias, Simeon, and Anna*; 19

to which may be added, according to *Pareus* and others, the words for a *Testimony unto them*, means a Testimony of the Leaper cleans'd, against the corrupt Priests. 2. The Apostles went not off till forc'd, is to be understood of their going to Preach the Gospel to the *Gentiles*, and their forbearing to Preach it to the *Jews*, as they usually wont to do, *Act. 13. 46.* and not of their Secession from Church Communion in the Jewish way, and with the *Pharisees*, as if they had continued in't till now; for the hardning or unbelief & blasphemy of the *Jews*, which the *Holy Ghost*, *Act. 19. 9.* assigns as a just cause of Separation, was obvious long before, even in *CHRIST's* time: And if any say, that their preaching to them in the Temple and Synagogues, was a joining with them: he may by the same Parity of Reason alledge, that our Reformers preaching in Popish Churches to Papists, in case any of them heard, which is probable, join'd with them in their Church Communion.

I notice, That altho' this Author cites not *Matth. 23. 2, 3.* from which many both *Papist* and *Prelatrick* Writers support what he alledges; yet he might have cited it for his Purpose, as well as *Matth. 8. 4.* if he had not foreseen, that by so doing, he wou'd draw several Presbyterian Writers upon his Top, to whom I must refer the Reader, for Brevity's sake.

I'm truly sorry to differ from some eminent Divines and Ministers, who are Vouchers for what this Author says about *Eli's Sons*; but with all respect to them, and without the least Design of encouraging any to renounce the Communion of the Church of *Scotland*, I want to be satisfied, as to this Instance.

1. If the Words *Offering of the LORD*, prove, That *GOD's Worship*, as dispensed by *Eli's Sons*, was what the *LORD's People* ought to join in; in respect Arguments taken ev'n from Names, or Designations in Scripture are ordinarily reckon'd inconcludent; of which many Instances might be given: Whence Presbyterian Writers argue against Prelatists, not so much from the Sameness of the Names of *Bishop* and *Presbyter*, as from the Identity of their Office in the Word of *GOD*; and tho' this Author yields, the Worship of *GOD* was call'd his *Offering*, as institute by him, yet this is far from evincing, That his People shou'd joyn with it, as perform'd by such *Debauchees*, or *Sons of Belial*, as *Eli's Sons* were, *1 Sam: 2. 12.* Otherwise what is Divinely Institute, howsoever corrupted, or by whomsoever mismanag'd must be join'd with; which none but *Papists* and *Papaturients* alledge.

2. If it be not probable, when *Hannah* prayed for a Child, That the lewdness of *Eli's Sons* had made no Scandalous Irruptions, at least according to this Author's argument, they being called *1 Sam: 1. 3.* the *Priests of the Lord*; and considering that, as some compute, it was about Eight years, or as others, Thirteen from *Hannah's* Prayer, to the mention of their Abominations.

3. If it be likely, That the *LORD's People*, particularly chaste Women could join with such Priests, who persisted in such gross and open wickedness after Admonition, not only from their Father, tho' too gentle; but from the People;

People; considering, that Eli did officiat, while able, the Levites (of whose Faults here we read not) were employ'd in the Tabernacle, Worship and Service; and that Hophni and Phineas were at least sometimes absent, which may be gathered from 1 Sam: 2, from 13 to 17.

4. If according to this Author's sixth Ground of Separation, and the Judgment of some Ancients hinted before, the People were not warranted, and obliged to withdraw; Eli's Sons being guilty of gross Offences wilfully continued in without any Redress.

5. Seeing the Priests Sins, as Causes of the Peoples abhorring of the Offering of the *LORD*, are said to be very great in GOD's Face or Sight, how is it made evident, that this Abhorring was the Peoples Sin? For the Sins of Priests and Ministers are aggravat from a warrantable Separation as well as, yea, more than from what is groundless: In case it should be said, *That Eli told them, 1 Sam. 2. 24. they made the People to transgress:* I answer, Expositors of good Note understand this of the Peoples committing Immoralityes in Imitation of the Priest their bad Example.

6. If the Danger of Infection to Peoples Souls from the Scandalous Behaviour of the Priests, did not warrant a withdrawing from them? Seing People for their bodily Safety are allow'd to keep at a Distance from these, who labour of contagious Maladies; and Ministers are expressly required to be holy and blameless, or unblamable, and the Church is commanded, to animadvert upon them, when offensive, with a peculiar View to the Peoples Edification: Is it not an Hardship, that People should run the Hazard of losing their Souls by their Confinement, to joyn with these, who are scandalous; especially considering, that many others may be had, who are exemplary in their Practice; and People under the New Testament are nowhere ty'd up to one place of publick Soleman Worship, as *Israel* was to *Shiloh*.

As to what he says of the Apostle's Exhortation to joyn in the Church of Corinth, which abounded with many Abuses, its remarkable, That at the very same time, when the Apostle presses Unity, he declares their Faults, and urges their Reformation, which wanted not Succels; but this Author follows not his very imitable Method, he insisting on Peace and Unity only and abstractly, as if no other thing were commanded in his Bible.

I wonder what this Author will say, in case he Concur, as *Jurants* in some places, to the Planting of Vacant Churches by Patronages? I find indeed, page 9. He will not enter any into the Ministry, meerly by the Patron's Presentation; but jointly with a sham Consent extorted from the People by Threats and Flatteries, which the People have no reason to give; this being a Consent to their Deprivation of the Right confer'd on them by the Word of GOD, granted by very *Papists*, restor'd in many Western Churches by Charlemaign, to's Immortal Honour: Will he think that this Sodering

Politick is no Intrusion or Usurpation. But what if some make out, that already he and his Club are guilty of Church Tyranny, in all the Branches of it; which being yeilded by all Christians, to be a just ground of withdrawing; the Debate will only ly in documenting the Assumption. Pag, 11. He says, *To own the Queen's Right, and the Protestant Succession, and to renounce the Pretender, is the Substance of this Oath:* But how truly or justly hath been already nottic'd. But further, to suppose it were so; yet that warrants not this Oath, the Queen's Right having been many ways own'd before; and She expressly acknowledg'd, as we heard, our Loyalty and True Concern for the Protestant Succession; so that this Oath is needless swearing. And many Lawyers maintain, That its unlawful to abjure the Succession of any, for many weighty Reasons; particularly, because this is to lay Snares against the Life of severals, on both Sides, which is never allowable, being against the Law of GOD.

Pag. 20. He falsly alledges this Oath to be a Personal Sin, it being impos'd on Ministers, in respect of their Office and publick Capacity; and that Personal Faults corrupt not the Ordinances, since Ministers are justly depos'd for Personal Faults, such as Fornication; Adultery, &c.

Its very strange to hear how this Author, the *Remarkar on the Display*, especially the Antwerer of it, uses so many gross and Virulent Reflections on a Pious, Hopeful, and Pregnant Youth, as I'm credibly inform'd, and on the *Nonjurans* through his Sides; considering that none pretend to be more against Reflections than these *Jurants*, they usually say, *That Reflections are the Sign of a bad Cause:* So that to use so many Unchristian Railings, when professing themselves to be for Peace, and to Write, as in the Sight of GOD, as the Antwerer of the *Display*, is justly lookt upon, even by the Friends of *Jurants*, as a Sad Judicial Stroak from the LORD; especially considering, that if *Nonjurors* were so inclin'd, they might write after this Copy, of exposing the Servants and People of GOD in Print, to the World, and answer these Authors according to their Folly; were it not that Respect to Peace, and the Interest of CHRIST, in this poor Sinking Church and Nation, forbids them, at least, for the present.

As to all his Arguments and Advices in favours of his illimitid Unity, I think it enough to answer, *Physician Cure thy self, and take the Beam out of your own Eye;* and in the mean time, through Grace, I shall follow what is good, Tho' I dare not, with this Confident Boaster promise in my own strength that I'll suffer, as he says page 39.

I had almost forgot to notice how in contradiction to what he says against the charging of stretcht Consequences upon Men's Opinions, page 19, most Saucily he reflects on the justly Famous Mr. Rhetarfort, and an Eminent and worthy *Nonjuror*: As denying an Essential Attribute of GOD

GOD, &c. which they no where deny except in this Man's presedg'd Imagination, whatever were their peculiar Sentiments; And I'm sure Mr. Rhetorfore and that Nonjuror he means, have appear'd more for GOD His Truths and Interests than many others; for which they get no Reward from some, but Contempt and Reproach.

Upon the whole, seeing some *Furans* o' late, Profess a great Zeal for the Covenants, I propose as a solid and lasting Ground of Union among all *Presbyterians*, that they Renew the National Covenant in *Scotland*, and endeavour to get the Solemn League Renewed with *Presbyterians* in *England* and *Ireland*, for the Security of the Protestant Succession, and of our Sacred and Civil Rights.

## FINIS.

**Courteous Reader,** the Author having been absent from the Press, be pleased to pardon the Literal Escapes.